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The Week

IF CERTAIN news dispatches from Washington are correct, the Administration is prepared to follow the same line at the London naval conference which The New Republic recommended in an editorial in last week's issue. It is prepared to support—though it will not initiate—a treaty to implement the Kellogg Pact, patterned after the Pacific four-power treaty which accompanied the Washington limitation on battleships. This would provide that in case a situation arose menacing the peace of the signatory powers, they would confer to discuss the possibility of joint action. This is as far as the American government is willing to go toward meeting the French objection that the Kellogg Pact lacks sanctions, but it ought to satisfy France in providing a suitable basis for naval limitation. It would prevent any likelihood of disagreement in recognizing a possible violator of the Kellogg treaty. It would be certain to bring forth recommendations of peaceable means of settling menacing disputes, which no nation could disregard without meeting the opprobrium of the conferring powers. That the United States would insist on selling munitions to any nation which went to war without accepting such peaceable adjustment is inconceivable. And there would be no reason for applying blockades or other sanctions against any nation which did accept it. Possible use of navies to police neutral trade without the consent of the most powerful neutrals would therefore be out of the picture. Naval competition would, under such an agreement, become thoroughly illogical.

THE diplomatic conference at The Hague on the International Bank has struck a snag over sanctions. What, the French ask, can we do in case Germany defaults? You must rely on our good faith, reply the German delegates. The British believe it futile to discuss the question at all. The injection of this demand for forcible sanctions is a reminder that the Young Plan has not yet accomplished its announced purpose of producing a business settlement of the reparations problem, which will remove it from the sphere of international politics. A settlement based on the threat of military force is not a business settlement at all. There is a strong chance that Germany must fail to meet some of her payments, and there is always a possibility that such an outcome would be interpreted as a deliberate default rather than an involuntary failure. France, it is true, is willing to submit the question of default to a series of arbitration procedures terminating in the World Court. But the whole conception of possible sanctions is alien to a plan which aims to pay a large part of the debt by means of bond issues sold to the public. What would be the feeling of possible purchasers of these bonds if they knew that military occupation of important parts of Germany was already provided for, under certain circumstances? If the Young Plan and the International Bank are to rest on any such foundations, we must revise our former regret that the United States has ignored them by making a separate settlement with Germany.

THE majority of the United States Supreme Court (Holmes, Brandeis and Stone dissenting) has in its decision on the Baltimore street railways case furnished another powerful argument for public

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ownership of utilities. This company, the Court rules, is entitled to at least 7.44 percent on the "present value" of its investment. Indeed, "it is not certain that rates securing a return of 7.50 percent or even 8 percent on the value of the property would not be necessary to avoid confiscation." It must be remembered what this "value" is. It is far more than the cost of the property. It is greater than the bonds which are outstanding, or would have been necessary to issue in order to build it. It even includes a large sum for the value of the franchise which the city gave the company. The rate of return specified by the Court is higher than that which the company must pay its bondholders. It therefore provides a profit for the stockholders which is more than they could get in many unregulated industries. If the city had built its own transit system, it would not have had to pay dividends. It would not have had to pay a return on the "value" of a franchise which cost nothing. It would have had only to pay interest on the money necessary to borrow in order to meet the cost of construction. And this would have been the customary interest on municipal bonds—certainly no higher than 6 percent. The chances are that with publicly owned street railways, Baltimore would now be enjoying a five-cent fare instead of the ten-cent fare which the Supreme Court has imposed upon it, contrary to the decision of the local public service commission.

ON JANUARY 2, after a meeting in Faneuil Hall at which they had listened to vehement protests against the killing, by Coast Guards, of three rum-running sailors on board the "Black Duck," members of the audience streamed into Boston Common, and overpowering the officer in charge of the Coast Guard recruiting station there, destroyed the recruiting posters. The act was petty in iself, and was wisely disregarded by the authorities, but as a symbol it was important and disturbing: it was the first example of public, organized violence against the agencies charged with enforcing the prohibition law. It has proved not to be the last. On the night of January 3, two Coast Guardsmen were severely beaten by a gang of men while crossing the New London freight yard. Their assailants escaped. On January 5, the body of George Mast, believed to be an undercover prohibition agent, was found in Detroit; and on January 6, in New London, a mob stoned the houseboat occupied by the wife of Alexander Cornell, commander of the Coast Guard vessel which fired on the "Black Duck." Considering the inflammatory headlines in many newspapers, it is doubtful whether these acts of violence will prove to be the last in the series. In Washington, the prohibition debate continues hotly and aimlessly; Senators give out statements for the benefit of their constituents, but meanwhile, in the country as a whole, and especially along the Eastern seaboard, there is perceptible a new and dangerous feeling of tensity over the whole situation.

THERE were some eleven lynchings in the United States during 1929. The National Association for the Advancement of Colored People reports twelve, but includes in this number the killing of Ella May Wiggins, the North Carolina textile worker who was shot while riding on a truck with other strikers. Florida has the worst record among the individual states, with four lynchings; Texas comes next, and North Carolina, Kentucky, Mississippi and Tennessee are the other states on the roll of dishonor. Of those killed through mob violence, six were taken from the hands of the law, five of them from jail. Two-thirds of them were Negroes, but in only one-fourth of the cases was there even an allegation of an attack upon a white woman. (It is well known that Negroes are sometimes lynched for other reasons and a charge of assault then made against them in an endeavor to justify the action of the mob.) Among the other charges made, according to information furnished by Tuskegee Institute, were writing insulting notes, two; murder, one; wounding a man in an altercation, one, and wounding officers of the law, two. Tuskegee points out that there were twenty-seven other cases during the year, three of them in the North and twenty-four in the South, in which lynchings were prevented by courageous action of police officers in standing off mobs bent on murder. Among those saved, twenty were Negro men, two were Negro women, and twelve were white men. One of the lynchings was peculiarly barbarous. A seventy-two-year-old Negro man had his hands cut off, and he was then thrown into the Suwanee River and permitted to drown —merely because it had been charged that he had been "found in company with a white woman."

ELEVEN lynchings is a large enough number to make every American hang his head in shame, especially when we add to it the killings, which were practically lynchings, in the course of the labor dispute in North Carolina; but we can take a grain of comfort from the fact that things are at any rate far better than they used to be. Only a few years ago, the annual number was between sixty and seventy, and it has been reduced slowly and painfully, at the rate of five or ten a year. This reduction is due to a group of factors, of which the fear of a federal anti-lynching law has been one, encouraging local peace officers to act with greater courage and thus prove the federal law unnecessary. The Interracial Committees in the South have also played an important part, bringing a better understanding between the white and black leaders in a large number of communities. A more enlightened public opinion, in general, has also been a valuable element, and for helping to create this, certain Southern newspapers deserve the greatest credit. The great Negro exodus to the North, while it has now largely come to an end, has undoubtedly contributed to the new situation: though in some places it has created hostility because a source of cheap labor has been

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diminished, in many others it has helped relieve the tension between the races. And finally, the Rosenwald schools and other media for educating the Negro have helped put him on a self-respecting plane where he is no longer so likely to be the helpless victim of a blood-thirsty mob.

BY RAISING the tariff on raw wool and wool yarn, the Senate has not only injured the consumers in this country, but the farmers and the manufacturers as well. This situation has received careful study by competent economists. Their conclusions are interesting. The already existing high tariff on raw wool stimulated the growth of American sheep ranching in regions where it would not be profitable without protection. It thus increased the supply of mutton. But the majority of farmers who keep sheep are those who do not have wool ranches or depend much on the sale of wool; they raise sheep incidentally, and do so largely for the sale of lamb and mutton. The tariff on wool lowers the price of mutton, which cannot be protected since we do not import it, and thus injures many more farmers than it helps. The duty on manufactured wool is merely a compensatory one—to keep the woolen mills from suffering by the competition of foreign manufacturers who can get cheaper raw materials. The woolen mills are no better off than if there were no tariff, either on raw wool or on woolen products. Indeed, they are worse off, since the high prices they must charge limit their market. The best remedy for woolen-mill depression would be to lower costs and prices, not to raise them. In order to subsidize the existence of a few sheep ranchers in regions where it is uneconomic to grow sheep, the tariff penalizes millions of farmers, consumers and woolen-mill workers. And now this insane policy has been strengthened, because several members of the Democratic-Progressive coalition deserted to the high-tariff majority. If Mr. Hoover is half a statesman, this clause alone is enough to call forth a stinging veto of the bill.

PRESIDENT Lowell of Harvard is the latest to attack the present state of intercollegiate athletics, and he says all the correct, customary things about it. The fault lies, he observes, more with the alumni than with the students; it is the "old grad" who is responsible for our copying the Roman idea of looking on at vast spectacular contests, instead of the Greek principle of universal participation. In his solution, however, President Lowell seems to aim at a compromise which would continue most of the evils of the present situation. He suggests that each college should have only one "big game" each year. But this would almost certainly accentuate the hysteria instead of diminishing it, and it would preserve the objectionable elaborate paraphernalia, the huge stadium, the highly paid coach, the expensive training table, the costly scouting of rival teams and of likely youngsters coming up from the preparatory schools. President Lowell may have been thinking of college football in England, where Oxford and Cambridge manage to have contests devoid of almost all the evils which are apparent in the United States; but their success rests upon other factors than the one he has singled out. The real choice is probably between a continuance of what we have now, and a change as drastic as that suggested by President Frank Parker Day of Union College, who proposes the abolition of all paid coaches and doing away with the gate receipts which now make it possible to pay these coaches' salaries.

THE National Committee on Calendar Simplification, undismayed by the tremendous task by which it is confronted, reports in an optimistic vein on the work of 1929. The most important achievement was getting the subject on the agenda of the League of Nations' next conference on communications and transit, to be held in 1931. These conferences are attended by official representatives of the various governments, and treaties are signed at them. The United States has attended previous meetings of this character, and is expected to be represented at the next one. Two surveys of opinion in America during the year, one by the National Committee and the other by the Chamber of Commerce of the United States, showed a clear majority of the business men in favor of some sort of calendar simplification, to be attained by international agreement. Public opinion is also being tested in some fifteen other countries, in which there is every reason to believe that the results will be the same. Many American business houses, not waiting for formal action, have begun doing business on a basis of thirteen months of four weeks each, which is the form of revised calendar most widely favored. Among these are Sears, Roebuck and Company, the Eastman Kodak Company, and the Mutual Stores of California, an important chain-store system. Such action, of course, gives only a very partial idea of the benefits to be obtained from a reformed calendar, chief of which would be the fixing of Easter on the same date each year. The only important obstacles in the path are the religious objection, especially that of the orthodox Jews, who claim that the Sabbath must not be tampered with, and the general inertia of the public toward a desirable but unexciting reform. It is, we hope, not too cynical to say that of these, inertia is by far the more serious difficulty.

THE Federal Farm Board announces its readiness to purchase, at 90 plus accrued interest, the $4,474,500 worth of bonds of the Sun-Maid Raisin Association. To this purchase it will apply public moneys, placed in its hands by Congress for purposes of farm relief. Here is a transaction upon which the fullest light of publicity should be thrown. For the background of fact is, to say the least, unpleasant. Prior to a certain day early in

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last July, these Sun-Maid bonds were selling in the lower thirties, and over a long period had been inactive at an average price of 35. Suddenly, on a Thursday, they shot upward and on Friday were at 80. The explanation came Saturday, when the Farm Board publicly announced a credit of $9,000,000 to Sun-Maid. Obviously there had been a "leak," and those "in the know" had been in a position to slightly more than double their money. And now the Farm Board proposes to buy up the entire issue at a peak price of 90 plus accrued interest—a price which no factor in the world except the Farm Board's own act could have established for these securities.

THE New Republic thinks it is high time someone with the right to demand answers asked a few searching questions. An allotment of $14,000,000 of farm relief moneys to a single concern handling not more than one-sixth of a relatively non-essential crop, the grape, in itself challenges attention; what has given the Sun-Maid raisin so great an appeal to the public purse? Why did not the Farm Board obtain these securities six months ago, at one-third the price now offered? Since public moneys are to buy a mortgage privately held, surely the public is entitled to know the name of every individual, every bonding house and every banking concern whose bonds, badly depreciated last June, are now to be converted into Treasury certificates at 90 plus back interest. And does not the Farm Board owe it to itself to quiet the rumors, persistent ever since the July affair, that men intimate with the Sun-Maid management made profits from the advance "leak?" Does not the California member of the Farm Board, Mr. C. C. Teague, rest under an obligation to assure the public that none of the banking concerns with which he is connected has profited or will profit one penny through his official acts? Only by such entire frankness can the aroma of scandal, sufficiently diffused last July, be wafted away from the present transaction; after which, there still remains the question of policy. How does the farmer benefit from this bond purchase? Is he not still in debt, said debt being merely transferred? As Mr. Ernest Hopkins, writing on this topic, inquired in a recent issue of The New Republic: Is this farm relief, or bank relief?

READERS of "Orange Groves and Jails," the article which Mr. Conrad Seiler contributed to the November 27 issue of The New Republic, will be interested in a new development in connection with the police raid on the workers' children's camp near San Bernardino, California. Miss Yetta Stromberg, one of the defendants in that case—the first prosecution under the California Red Flag Law—has been sentenced to serve from one to ten years in the state penitentiary, and not from six months to five years, as was at first believed. The lighter sentence was imposed on the other four women defendants, who were convicted on one count only—that of conspiring to fly the red flag. Miss Stromberg herself was convicted on the additional count of flying the red flag, and it now appears that her two sentences must be served consecutively instead of concurrently. It is to be hoped that the grotesque severity of this punishment, which is being inflicted on a nineteen-year-old girl, will help to reverse all five convictions in the District Court of Appeals.

News from the Power Front

WHILE the power war has temporarily become obscured by more spectacular controversies like that over prohibition, dispatches from the various battle lines indicate that the opposing forces have not been inactive while dug in for the winter, and that we shall see a number of impressive spring drives.

In New York state, Governor Roosevelt has renewed his last year's program for public development of the St. Lawrence sites, the power to be sold to distributing companies on the basis of contracts protecting the consumer in the matter of rates. He has added one new feature—public ownership of transmission lines as well as of the power stations themselves—and may add others before long. Though the Republican party in the state has consistently opposed Governors Smith and Roosevelt in their power policy, a revolt within its ranks recently demanded a change. Representative Davenport, an intelligent Progressive, has long favored public development of the sites in question, while Representative Snell apparently shares his belief that the party is becoming too strongly identified with the utility interests. The issue is recognized as an asset to the Democrats in the state elections. Though the Republican machine in the legislature has not given way to these two federal Representatives, it is reported willing to ask for a recommendation on state policy from a commission to be appointed by the governor, so anxious is it to remove the issue from next fall's campaign. Since the Democratic platform was definitely committed to state development, Mr. Roosevelt may not accept this compromise.

The committee created by the last legislature to investigate utility regulation has examined a large number of capable witnesses. Though the majority of the committee represents the Republican legislature, the minority, appointed by Governor Roosevelt, is likely to bring in a report which create a strong demand for strengthening the regulatory machinery.

In Washington, the first subject to engage the attention of the Senate after the tariff bill will be the disposition of Muscle Shoals. Last year the President killed, by a pocket veto, the bill passed for public operation. It is stated that Mr. Coolidge privately urged the power interests to get together with the American Cyanamid Company,

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which was also seeking the property, since the division between these two forces of private interest assisted the passage of the Norris bill for federal operation. At any rate, the two have joined in support of the proposal to turn the property over to the Cyanamid Company. The case of the latter concern rests almost entirely upon the fallacious plea that the nitrate plants can be utilized for making cheap fertilizer; though the real value of the development lies in its electric power resources. In order to meet this new alignment, Senator Norris has agreed to amendments to his original bill which would permit the lease of the nitrate plants to a private company at a dollar a year, with provisions for selling to this company as much power as it might need at a low rate, and for limiting its profit. This device would keep the generation of power in the hands of the government, but would satisfy those Senators who, for political purposes, are committed to using the fertilizer plants. If the Cyanamid Company, or any other, really wishes to build up fertilizer manufacture at Muscle Shoals, rather than to get control of the power, this proposal furnishes the best conceivable opportunity.

Meanwhile, the inquiry of the Federal Trade Commission into the electric utilities, delayed for a time by the illness of Judge Healy, its chief counsel, will soon be resumed. One of its first objectives will be to reveal the inflation of value and the financial juggling which has been going on in the creation and enlargement of mergers and the activities of holding companies. It will be remembered that the Commission struck an obstacle in the beginning of this endeavor by the refusal of the Electric Bond and Share Company to open its books for examination—an act which in itself indicates that there is much which the power interests wish to conceal.

While Senator Caraway's committee on lobbying is likely to delve further into this type of utility activity, Senator Couzens' committee will look carefully into the activities of the Federal Power Commission. Some months ago a secret memorandum was discovered which revealed a purpose to control appointments to this commission and to neutralize the work of its able accountant, Mr. William V. King, by distributing the accounting work among the untrained staffs of the three departments whose chiefs officially make up the Commission. About the time of the discovery of this memorandum, which was promptly disowned by utility spokesmen, the executive secretary of the Commission resigned and was replaced by Mr. F. E. Bonner, who, it is charged, was recommended for the post by Vice-President Downing of the Pacific Gas and Electric Company. Mr. Bonner attempted to distribute the accounting work in the very manner outlined in the memorandum, but was prevented from doing so. Now the President recommends that an independent board should be created to supersede the Federal Power Commission. There is no particular objection to this, but it will be necessary to watch carefully any new legislation to see that it does not change the present water-power act, under which the Commission functions, in a way contrary to the interests of the public.

There is, of course, no federal regulation of the electric utilities except those which have licenses to federally owned water-power sites. In view of the development of national holding companies and the large amount of power now wholesaled across state lines, over which state commissions have no regulatory authority, Senator Couzens is expected to sponsor measures for an extension of federal regulation. This is sure to precipitate a hot controversy.

Since last the searchlight of public opinion has been turned on the utilities, a new controversy over the disposition of an important water-power site has arisen. For a long time the Montana Power Company, a subsidiary of the Electric Bond and Share, has had its eye on a site in western Montana in the Flathead Indian Reservation, capable of developing 200,000 primary horsepower. But a competitor has appeared for the site—Mr. Walter H. Wheeler of Minneapolis—who has promised not only to pay the Indians much more than the "trust" had offered, but to sell the resulting current much cheaper. Although Mr. Bonner of the Federal Power Commission seemed determined to lease the site to a company affiliated with Montana Power, Mr. Wheeler protested vigorously, hearings were held, and startling facts about the costs and profits of the Montana company were brought out. It is said, for instance, that Mr. King, accountant for the Commission, proved that of every dollar collected by this company from the public, sixty-three cents was available for dividends and capital charges. Senator Walsh moved to have these hearings published as a Senate document, but was blocked by Senator Smoot. More will be heard of this situation—in which, incidentally, the new Assistant Commissioner of Indian Affairs, Mr. Scattergood, was active in protecting the interest of his charges.

Finally, there is the revolt in California over the failure of Secretary Wilbur to allot more of the available Boulder Dam power to municipalities which applied for it. Though Los Angeles receives the lion's share of the available current, the Southern California Edison Company will have most of the remainder, and most other municipalities which own their electric systems will have to purchase from this private company any Boulder Dam current they may get. It is asserted that the Secretary's allotment violates the law authorizing the project, which, it was supposed, gave public agencies a preference in the bidding.

Altogether, though all may seem quiet on the power front, the conflict between the private utility and the public interests broadens apace. It may be much more truly a national issue in 1932 than it was in 1928.

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Christian Science and Free Speech

ON page 225 of this issue of The New Republic, we publish a letter from Mr. Orwell Bradley Towne, of the New York Committee on Publications of the Christian Science Church. Mr. Towne takes exception to the article, "The Christian Science Censorship," by Craig F. Thompson, which appeared in our issue of December 11, and to an editorial reference to the same subject in our issue of December 18. This article and editorial discussed the attempt of the Christian Scientists to prevent the distribution and sale of a new biography of Mrs. Eddy, written by Edwin Franden Dakin, and published by Charles Scribner's Sons, New York. While we are glad to give space to Mr. Towne's letter, anyone who will take the trouble to look up Mr. Thompson's article can see that Mr. Towne gravely misstates the facts regarding the Christian Science censorship.

Mr. Towne says that "protests of individual Christian Scientists may not be properly interpreted as a boycott or as suppression, and reiteration of assertions to the contrary cannot alter that situation. The protests made in this case have been by individuals." This statement simply is not true. For instance, one letter received by Scribner's came from a Christian Science church in Kansas City, written over the names of the members of the Executive Board, and signed by the hand of the clerk. This letter quoted the Church Manual of the First Church of Christ, Scientist, of Boston, which "governs every branch throughout the world," to the effect that "a member of this church shall not patronize a publishing house or bookstore that has for sale obnoxious books." The letter of the Kansas City church added, "we are calling your attention to this, feeling that if you understood the circumstances you would not want to be instrumental in putting out a publication which was not true and might be detrimental to you." If this is not an official threat of an official boycott, we wish Mr. Towne would tell us what it is.

From Winnipeg, Canada, a bookseller wrote to Scribner's, "when the publicity man of the local Christian Science church called on us regarding Dakin's 'Mrs. Eddy'," etc. A San Francisco dealer referred to "the position being taken by the publication office of the Christian Science Church." Mr. Thompson, recalling the publication of another biography of Mrs. Eddy, by Adam Dickey, which also met the opposition of the Church, quotes a letter written by the wife of the author after the latter's death, in which she said that "The Christian Science Board of Directors of the Mother Church, the First Church of Christ, Scientist, Boston, Mass., have requested me to discontinue the publication of the book, 'Memoirs of Mary Baker Eddy,' by Adam Dickey, C. S. D., and to recall all books already sold."

These instances clearly prove, we submit, that Mr. Towne's assertion is not true, and that the Christian Science censorship is an official one. Moreover, new evidence which will shortly be published *in extenso* in The New Republic shows that this official censorship is applied against public libraries as well as bookstores and the publisher of the offending volume. This evidence, from unquestionable sources, tells of attempts made by local representatives of the Christian Science Church to keep Mr. Dakin's book from circulating in the local libraries. The efforts were made, according to The New Republic's informants, in one case by "a local representative of the Church," in another by "a member of the local committee of the Christian Science Church." In a third instance, it was "the chairman of the local Christian Science Committee on Literature Distribution," in another, "the local Publication Committee," and again, "a letter from the Christian Science Committee on Publication for this state." Mr. Towne certainly will not pretend that these various spokesmen for his Church are so incompetent that one and all, in conversation or in writing, they give the impression that they are acting officially when in fact they are doing so as private individuals.

Having in his second paragraph denied the existence of censorship, Mr. Towne admits and supports it in his third. He says that "Christian Scientists assert the right to defend and protect their religion and the individuals connected with it from misrepresentation. Adherents of other religious denominations assert and exercise the same right." No one cognizant of the facts can admit that this is a fair description of what the Christian Scientists have done in the case of Mr. Dakin's biography. The way to defend Mrs. Eddy would obviously be to prove the falsity of such charges as are made against her in the book (which is on the whole a well-balanced, good-natured portrait of a vivid and interesting personality). But there has been no attempt on the part of the Church to do this, or to participate in any sort of public debate upon a controversial issue.

To say that the adherents of other religious denominations follow the same deplorable methods as have been practised by the Christian Scientists in this instance is, of course, to beg the question. The New Republic is aware of no such instances in the United States in recent years, but even if they were numerous, that would not excuse the action which is at present under criticism. The most objectionable features of that action, we need hardly say, are two: the Christian Scientists seek to punish the publisher or bookseller by declining to buy, not merely the book in question, but any other book offered for sale by the bookseller, or published by Scribner's, and they seek to make it impossible for anyone, including those who are not Christian Scientists, to buy or read the book. This is an extension of the boycott—which may sometimes be a useful social agency—to a field where it constitutes

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an intolerable interference with the free circulation of ideas.

The important question is whether or not the rank and file of the Christian Scientists approve of the violation of the principle of free speech of which the church authorities have, we submit, been amply proved to be guilty. We think there is good reason to believe that they do not. It is nothing new in history for a small group of zealous but misguided representatives to take action in the name of a larger body which that larger body repudiates when it is finally enabled to pass upon it. We do not believe that the Christian Scientists of this country endorse the use of the boycott and the gag; and we are confident that if they discover what has been going on, they will take steps to clean house.

Hard Times on Broadway

AFTER one disastrous season, Broadway is undergoing another, and everyone blames the ticket scalpers. If theaters are empty; if actors, stage-hands and orchestras are unemployed; if stars of every magnitude are making desperate trips to the West Coast, only to find that conditions in Hollywood are equally difficult; if ten plays close on a single night—that of January 4—for want of an audience; if theater-going, in a word, is becoming a lost art, it is supposed to be largely because the unhindered speculation in tickets had already made it a difficult, uncertain and expensive art.

On the evil effects of this situation, the managers agree with the Actors' Equity. They are also agreed that there are other causes for the hard times on Broadway—for example, the competition of the talkies, the general business depression, the over-building of theaters, the high ground-rents, and this year in particular, the lack of good plays. These latter conditions are difficult or impossible for the managers to remedy. They can, however, curb speculation, and they are now making what may prove to be a successful effort in that direction.

On January 2, after a rather dull holiday season had proved that some sort of positive action was necessary, a group of managers representing one-third of the Broadway theaters met in the offices of Gilbert Miller, where they drew up a program of reforms. This program was immediately accepted by the Dramatists' Guild and, what is more important, by the Actors' Equity. Managers controlling fifty-eight of the sixty-four "legitimate" theaters had declared their adherence to the new plan by the following Monday, on which day representatives of the ticket agencies conferred with the managers and also approved of it—"in principle."

Its chief feature is the elimination of the "buy"—an arrangement by which one agency or a group of agencies contracts, let us say, for the first fourteen rows of the orchestra for the first eight weeks of a play's run, thus assuming the major risks of the production. If the play is unfavorably received, the agencies must dispose of their tickets as best they can—to sidewalk speculators, perhaps, or to Joe Leblang's bargain basement. If the play succeeds, the agencies sell tickets for almost any price up to $15 each, in order to make up for their losses on the plays that failed. The public gains nothing in the first place—who wants to see a bad play?—and in the second case, finding that it must pay exorbitantly, it loses the habit of theater-going.

In order to remedy this situation and restore good times to Broadway, the managers suggest four measures: first, that they should eliminate the "buy" and assume their own risks; second, that they should always keep a substantial number of desirable seats at the box office; third, that all agencies should be bonded not to make "buys" and never to charge more than seventy-five cents over the box-office price of tickets; fourth, that a managers' bureau should be established to police the plan. They announce, moreover, that these very practical measures are to be put into effect on March 1—at which time most of the present "buys" will have expired—and they express their belief that the two managers, controlling six theaters, who have refused to accept the reform will not interfere with its operation.

It is obvious from the very nature of their plan that the ticket scalper is not wholly to blame for the situation they seek to remedy. It is obvious that most of the blame can be assigned to the short-sighted policy of the managers themselves, and that their past failures to improve conditions were due to their inability to coöperate. If they succeed this time—and every friend of the American theater will hope that they do—they will make the buying of theater tickets less costly, difficult and uncertain. They will restore the economic background of theater-going—but whether they revive the custom itself is a more dubious question. Old habits are hard to lose; forgotten habits are even harder to reacquire. To bring people back to the theaters is an undertaking that requires a more heroic step than curbing speculators: it requires conviction on the part of the directors, the actors, and especially of the playwrights; it requires good plays.

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Will British Labor Go Out?

A MONTH ago, good judges of the political future predicted that our Labor government might have four years of life before it; some even said eight, for they assumed that it would win the next election. Today the same knowing persons will hardly give it four months; to suppose that it may last a year would be thought eccentric. There is a good reason for this sharp change of fashion among the prophets: the latent incompatibility of temper between Liberals and Labor has broken out in open hostility over the Coal Bill. The government has carried its second reading against the combined oppositions by a bare majority of eight votes. That was a stroke of luck. No one wanted a dissolution at Christmas, with a general election in January, while the naval conference was assembling. The crucial division occurred, moreover, at a moment when many of the Tories, a wealthy and at the same time a dejected party, had gone for a premature holiday to the Riviera. This narrow victory is a bad omen for what must happen when the House reassembles. The two oppositions will fight this bill, in committee, line by line and word by word, and it is to be foreseen that in these close encounters they will sometimes rally their nominal majority. The Labor party is in no mood to compromise gracefully, while the Liberals, a party afflicted with galloping consumption, suffer from the extravagant hopefulness which commonly goes with that disease. In these conditions, an early appeal to the country may offer to both parties a tempting way of escape from a nerve-racking condition of uncertainty.

To the observer at close quarters, Labor's record seems more mixed and less encouraging than it probably does to the sympathetic observer abroad. For its successes all lie in the international field. Mr. Henderson, when he boldly marched into that den of reaction, the Foreign Office, had the wisdom to take with him a brilliant and loyal team of "intellectuals"—Hugh Dalton and Noel Baker, both of them lecturers in the London School of Economics, with Lord Cecil as an unofficial yet daily colleague. Mr. Henderson is, however, the only minister from the ranks of the manual workers who has the independence of character and the experience of life which enable him, with expert aid, to cope with his officials. Thanks to his team of helpers, he is as well informed and as quick-witted as the astute but conservative professionals who surround him. They respect him and they serve him loyally. But his case is nearly unique.

British administrations depend to an extent which few foreigners, or for that matter few Englishmen, ever realize, on a highly trained but self-effacing bureaucracy. The minister is nearly always an amateur, who may have some influence in deciding, with his colleagues of the Cabinet, the general lines of policy, but it is his civil servants who suggest the means to the prescribed end, draft his bills for him, and even coach him in his speeches. The system works admirably when ministers and civil servants approach politics from the same angle, have behind them the same background of public school and university, and reason from the same principles and prejudices. In short, it works well under a Tory government. But the arrival of Labor in office subjects it to a severe strain. These civil servants are not partisans. They are not involved in the politics of the Tory machine and usually retain a detached and critical habit of mind. They are Tories, or occasionally Liberals, only in the sense that they hold the current opinions of the class to which they belong, and the circles which they frequent. Their training prepares them to give loyal service to any minister who knows how to use their brains. If he goes to them with a clear-cut outline of a bill in his hand, they will show great ingenuity in filling in the details, foreseeing obstacles, forestalling criticisms, gathering statistics and conducting inquiries; and this the best of them will often do, with keen intellectual pleasure, even when they are doubtful of the policy on which the measure rests. But if a minister has no idea of what he wants, or only a vague idea embodied in rhetorical phrases; if he must rely on his civil servants to suggest a detailed policy to him, it is obvious that what they propose will follow the traditions of their department, and cannot differ radically from Tory policy. With such congenial aid, even a stupid or lazy Tory minister may get through his duties passably well, while a Labor minister, with twice his vitality and with much fluency of platform eloquence, fails completely to carry out the ideals of his party, and is soon regarded with dismay and amazement by his friends.

It is, as one would expect, the "intellectuals" in the ministry who have discovered the secret of using their officials. They are not afraid of them. They talk the same language. They can meet them in detailed debate. And so it happens that Mr. Henderson, with the aid of his expert staff, has done admirably at the Foreign Office. Captain Wedgwood Benn may turn out to be the best, as he is certainly the boldest, head of the India Office in our generation. Mr. William Graham, at the Board of Trade, and Mr. Greenwood at the Ministry of Health, (both of them men with a university training) have shown conspicuous ability, and Sir Charles Trevelyan (Education) and Mr. Noel Buxton (Agriculture), both of them recruits from the old Whig governing class, are do-

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ing well. The two instances of tragic failure are ministers who had a great reputation as labor union leaders, both of them winning and popular personalities, and both of them notable platform orators —Miss Margaret Bondfield and Mr. Thomas. With all their vitality and eloquence, they lack the intellectual training to make them the equals, in close work, of their able but conservative civil servants. One fears that further experience may add Mr. Alexander of the Admirality to this category.

Unfortunately it is on the shoulders of Mr. Thomas and Miss Bondfield that the domestic policy of the government chiefly rests. To Mr. Thomas the electorate looks to reduce unemployment to normal proportions within a reasonable period, while Miss Bondfield must give first aid to the unemployed until work can be found. After five months one cannot say of Mr. Thomas that he has made even a hopeful beginning. He has initiated no large or novel schemes. The most one can say of him is that he has continued to do, with rather more energy, and on a slightly larger scale, the things which even Tory ministers used to do. But meanwhile, during these five months, the volume of unemployment is swollen by an additional 200,000 men, while one cannot feel certain that Mr. Thomas has found work, or will soon find work, for more than 70,000 or 80,000. The outlook, in fact, is rather worse under Labor, which has this problem graven in scalding letters on its heart, than it was under the Tories, who never professed that a remedy could be found.

There are several reasons for this painfully complete failure. In the first place, it is obvious that Mr. Thomas, capable though he is as a labor union leader, wary, resourceful, an adroit negotiator and at the same time a quick-witted debater and a most persuasive orator, lacks the grasp and training for a task of this magnitude and complexity. It demanded a most exceptional man, who should have added to a theoretical knowledge of economics some practical familiarity with commerce and some acquaintance with the technique of administration. A versatile man, a quick-witted lawyer or journalist, might have picked up his knowledge as he went along, but Mr. Thomas is manifestly out of his depth, save when he deals with railways. As debate follows debate, so far from improving, he flounders visibly in an uncharted morass. Even his gift of plausible speech has deserted him.

It was Mr. MacDonald's original idea to create a new and ambitious mechanism on a permanent footing, to supervise the whole industrial development of the nation—an economic general staff, a planning and research department, somewhat on the lines of the Russian "Gosplan." He may yet create it. With a civil servant of genius at its head, and our ablest economic thinkers to advise him, it might, and may yet, play a great part in restoring our national fortunes. But meanwhile Mr. Thomas has only the skeleton of an improvised organization behind him, and the civil servant who directs it has other responsibilities on his shoulders, and enjoys, moreover, a reputation, able and expert though he is, for timidity and conservatism. Mr. Thomas lacks the training to think out plans for himself—save perhaps for railways—and his little scratch team of civil servants can think only on traditional Tory lines.

But there are other, and less readily remediable, reasons for Mr. Thomas's failure. Their name is Philip Snowden. Mr. Snowden is the ablest of the senior members of this ministry: he is also the most conservative, and since his stand against the French at The Hague, he has become the most popular man in politics. When such a man holds the purse, his power of veto is nearly absolute. There were two things which Mr. Thomas might have done, which would have had an immediate effect in lessening unemployment. He might have kept the youngsters who annually enter industry a year longer at school, and he might have pensioned the veterans—at all events in the stricken "heavy" industries—if they so desired it, at sixty years of age. These two measures might have reduced the number of unemployed (which now stands at 1,300,000) by half a million. But both these remedies would have cost money. Mr. Snowden postponed the first till April, 1931, and the second will probably be shelved indefinitely.

One must not rashly blame Mr. Snowden, who will, in any event, have a most difficult budget to balance. What one may fairly say, is, that in a position which called for heroic remedies, he is not able to provide heroic finance. But in another direction his influence has been still more decisive, and open to much graver criticism. On questions of banking and credit, Mr. Snowden holds the hard-shell, orthodox "City" and "Treasury" view against the younger school, which Mr. Keynes and Mr. McKenna represent. His belief in the policy of deliberate and consistent deflation is doubtless a sincere conviction, and from his convictions no force will ever move this unbending man. While Mr. Thomas was struggling to reduce unemployment, the Bank of England, with his approval, raised the rediscount rate to 6½ percent. The sharp contraction of credit is enough to account for the addition of 200,000 men to the total of the unemployed. It may have been a necessary step, since we were manifestly lending beyond the limits of safety to borrowers abroad. The remedy, however, was not out of reach. A bold policy of development, financed by loans, for the improvement of our electrical and transport systems and for the rationalization of the basic industries, would have checked this excessive export of capital, by providing attractive investments at home. But that door is closed, partly by the frowns of Mr. Snowden, and partly by the weakness of Mr. Thomas. So we deflate, and shall continue to deflate, with consequences to trade and employment which any modern-minded economist can predict.

Given this failure to deal constructively with un-

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employment, the question of relief becomes important. If work cannot be found, one cannot allow the unemployed to starve, nor will Labor allow them in desperation to seek work below the current rates. The "dole" (which is, of course, a system of insurance subsidized by the state) is assailed by Tories because it just avails to maintain these current rates of wages, and by Labor because it is too low in amount and harshly administered. Some reform was inevitable. Mr. Snowden forbade any increase in the rate for adults, and Miss Bondfield gave way to the rank and file over the severe tests only after a long struggle, which damaged both her own prestige and that of the government. No one, as commonly happens in such cases, is pleased with the final result, and the Left remains in a condition of smoldering rebellion.

With this background of brilliant and popular success in its foreign policy, and of visible failure in its chief domestic task, the government faced its first attempt to reorganize industry. The coal trade is desperately sick, but in spite of its sickness, it is quarrelsome, defiant and individualistic, with a more than John Bullish obstinacy. The government was pledged to the miners, who gave it perhaps a quarter of its votes, to undo the work of the Tories, who had added an hour to their legal working day. Even when the miners consented to accept half an hour on account, the operators cried "ruin," and threatened to reduce wages. What was the government to do? Without a majority it cannot dictate. Mr. Graham, accordingly, went to work to get a settlement by consent. His bill is a strange measure for a Socialist to father. It is exposed to much criticism from the Liberals which is reasonable and fair. And yet, when one reflects that this industry has always resisted any sort of governmental interference, even from its friends of the Tory party, to win its acquiescence in this measure was a surprising achievement. It creates a sort of compulsory cartel, which will ration output and fix prices, subject, of course, to a measure of control from above. Naturally enough, prices are likely to rise somewhat, but at present they are demonstrably below the average cost of production. Exports may be subsidized at the expense of the domestic hearth, a kind of inverted protection which can be defended only on the ground that it may lead to an early agreement with our European competitors to delimit markets and fix prices.

To end the present anarchic competition was certainly the first step to reform. The Liberals complain, however, that the bill lacks any provision to hasten the compulsory amalgamation of mines. Admittedly a host of small-scale units must be abolished or absorbed. The Liberals would do it by governmental dictation. Mr. Graham's plan is subtler. When once the output of every mine is fixed, the sounder and more efficient concerns can expand only by buying up the quotas of their weaker neighbors, a proceeding which the bill expressly permits. This will probably take place rapidly and on a great scale, but it will add to the charges of the industry. Ideally, the Liberal plan was better. But can one coerce an obstinate industry, unless in the last resort one is prepared to socialize it, and to run it, in some form, as a public concern? That, needless to say, Mr. Graham would be happy to do. But Mr. George would upset him at the first step in this forbidden direction.

It might have been easy to adjust these differences between the two progressive parties, had not Mr. George chosen to deliver an intolerably brilliant speech. It sparkled with malicious wit, and it ended on a militant note of defiance. Not for the first time in his unstable career, Mr. George was rather clever than wise. He too obviously enjoyed the role of dictator. But to play the dictator, because one leads the smallest of three parties, is a presumption which the natural man resents. The government would not yield to a challenge delivered in this tone. It was silent over concessions which it might easily have made, drove the Liberals into the No lobby, and by good luck defeated them. The Liberal revenge will be slow, but it will probably be sure and adequate. Mr. George can make the life of this government a burden whenever he chooses to do so. He seems to have made his choice: the rest will follow by the mere counting of heads. But while one cannot predict a merited success for the government, if it is driven to an election in spring or summer, it is in the last degree unlikely that the Liberals will improve their position.

London. H. N. BRAILSFORD.

Kentucky Mountain Farm

THE RETURN

Burly and clean, with bark in umber scrolled
About the sunlit bole's own living white,
The sycamore stood, drenched in the autumn light.
The same old tree. Again the timeless gold
Broad leaf released the tendoned bough, and slow,
Uncertain as a casual memory,
Wavered aslant the ripe unmoving air.
Up from the whiter bough, the bluer sky,
That glimmered in the water's depth below
A richer leaf rose to the other there.
They touched; with the gentle clarity of dream,
Bosom to bosom, burned on the quiet stream.

So, backward heart, you have no voice to call
Your image back, the vagrant image again.
The tree, the leaf falling, the stream, and all
Familiar faithless things would yet remain
Voiceless. And he, who had loved as well as most,
Might have foretold it thus, for long he knew
How glimmering a buried world is lost
In the water's riffle, the wind's flaw;
How his own image, perfect and deep
And small within loved eyes, had been forgot,
Her face being turned, or when those eyes were shut
Past light in that fond accident of sleep.

ROBERT PENN WARREN.

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The Dentifrice Racket

DO your teeth show the need of an isotonic cleansing agent? Or perhaps a hypertonic solution of the salts of sodium, magnesium and potassium based on the theory of hydrogen ion control? Are you afflicted with mucin plaques? Or suffering from septal tissue growth and the pericemental pain of malocclusion? Coming down a few pegs in the scientific lingo of modern dentifrice advertising, are you at least persuaded that you are one of the four out of five predestined victims of pyorrhea, that you have acid mouth, or that your gums need exercising?

Pick up any magazine or newspaper, read a few of the advertisements of tooth pastes or mouth washes which in the last five years have reached new heights of pseudo-science in an effort to keep up with this scientifically advanced age, and realize the inadequacy of your college chemistry courses.

> Ora-Noid, when dissolved in the saliva or blood, forms a hyper-tonic solution of the salts of sodium, potassium, calcium and magnesium, based on the electro-chemical theory of hydrogen ion control. While the metallic salts contained in Ora-Noid are introduced into the saliva in a crystalline state, they soon unite with the blood and saliva and change to a colloidal state.

The scientific terms might be taken from a chemist's Ph. D. thesis; but try it on an expert chemist and ask him what it means. He will tell you that it means nothing at all. If you further ask him to analyze the contents of the $2 can of Ora-Noid, the synthetic saliva, "applicable to the treatment of pyorrhea at any stage in its progress," he will tell you that it consists of a mixture of table salt, baking soda, chalk, magnesia, borax and starch, which costs the manufacturer about ten cents.

Ora-Noid is a typical example of the hundreds of similar products so successfully advertised in scientific jargon during recent years that the public spends annually over $60,000,000 for dentifrices. The advertisements have made the American public teeth-conscious and the manufacturers rich. Probably 999 out of every 1,000 people have been persuaded that tooth pastes and mouth washes are as much a necessity as soap. The miles of pleasantly flavored tooth paste squeezed out each year on millions of tooth brushes which could do the job of cleaning teeth quite as well unaided, would reach several times around the globe; the contents of the bottles of mouth washes on bathroom shelves would flavor the Atlantic ocean. And a variety of absurd beliefs concerning the physiology and chemistry of the human mouth have been so firmly implanted in the public mind that it would take a body of the scope and prestige of the President's Law Enforcement Commission to make a dent in the general and mistaken belief that acid mouth is an abnormal, unhealthy condition which can be corrected by the use of certain tooth pastes, that pathological conditions such as pyorrhea can be treated by dentifrices, and that anyone can have pearly white teeth-which-are-the-envy-of-your-friends.

Such is the power of this modern "scientific" advertising that two statements from the highest authorities which should have put most of the manufacturers out of business have caused not the least concern to "the trade" or to the public. Says the American Medical Association, "dentifrice has in itself no magical or chemical power to clean, and the best mouth washes are warm water or a solution of common table salt." The American Dental Association states that the chief value of a dentifrice is to establish a healthy habit by making tooth brushing a more pleasant process, and that "no dentifrice can be used for so-called mouth correction." Government chemists in the Food, Drug and Insecticide Administration of the Department of Agriculture, charged with the administration of the Food and Drugs Act, declare that any tooth paste should be considered as much a luxury as cold cream or perfume, and that no so-called "antiseptic" dentifrice which has yet come into their laboratory has the power to kill germs in the conditions under which it is normally used.

Probably the best example of an absolute misstatement of scientific fact in dentifrice advertising is the contention that acid mouth, the newly discovered national menace, is an abnormal condition and can be prevented by the use of several tooth pastes specifically designed to cure it. The belief that acid mouth is a dangerous and widespread malady has become as firmly entrenched in the public mind as the legend that a Republican administration guarantees prosperity. If the fact that human saliva is normally slightly acid, and that no substance introduced into the mouth can have more than a very temporary alkaline reaction, could once be got across to the public, dozens of tooth-paste manufacturers who have risen to fame and fortune by manufacturing dentifrice to prevent acid mouth would be bankrupt.

The American Dental Association states:

> It is well known but not often admitted in the propaganda of certain dentifrice manufacturers that the *ph* level of the saliva (a symbol used to express degree of alkalinity or acidity) is maintained regardless of the material introduced into it. The saliva is normally slightly acid. Mouth acidity or alkalinity cannot be controlled by any induced substances.

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Here is a product advertised as a specific "cure" for acid mouth: Semafor—"a new contribution to health, originated and developed by Dr. Alfred H. Kropff, B. S., M. A., Ph. D., a chemist of rare skill," which goes its competitors one better by "combining psychology with therapeutics in a practical way."

Semafor offers its users an amusing game to make care of the teeth less irksome. On the cover of the advertising pamphlet is a white-coated figure holding aloft two flags, one red, labeled "normal and clean," one white, labeled "excessive acidity." Here is the key to the game. Semafor, a red liquid, "by changing to white or retaining its color reveals when acids are present in the mouth or throat." Since acids are normally present in all mouths, the game never fails. One takes a carefully measured mouthful of the red liquid, spits, and lo, it has turned white, proving that the user has acid mouth. But do not be discouraged. Semafor will save you. A second mouthful will be spat out and found to have changed to pink. "When it has neutralized all the acids present it is expectorated red; it indicates the degree of acidity present by the number of gargles and rinses required to restore the red color."

One pictures a family scene—father, mother and the children lined up around the family bathtub, engaged in a sociable competition to see who can spit Semafor in its original red in the fewest number of rinses. Father, however, should hold a stop watch, for if one holds the liquid in the mouth for more than the indicated twenty seconds, it will immediately come out red. Why not gain a reputation as an original hostess by giving a Semafor party? Many social gatherings, one deduces from advertisements, have been livened by introducing a sprightly little contest in the efficiency of the guests' cigarette lighters, or trying the blindfold test. Break the ice by distributing individual bottles of Semafor to your guests (cuspidors might also be necessary unless you wish to conduct the game in the bathroom), and offering a prize to the first person who spits Semafor in its original red, thus showing the lowest degree of mouth acidity.

This remarkable color-changing characteristic of Semafor is due to the presence of a simple indicator known as phenolphthalein, which turns white in the presence of an acid, and would thus turn white in any normal mouth if used according to directions. One bottle costs a dollar; each dilution, used as directed, would cost five cents. The American Dental Association, which is doing invaluable work in exposing the claims of popular dentifrices and mouth washes, has stated that it has the essential properties of a solution of sodium sulphate, common table salt, sodium carbonate, alcohol and water, costing a few cents.

Since some bright copy-writer discovered the popular appeal of film-on-the-teeth, dozens of dentifrices employing the well known principle of using an alkaline or soapy medium to dissolve mucin, have been put on the market. Here again the American Dental Association has thrown what should have proved a bombshell with the statement that "the dental profession is not at all agreed that mucin plaques should be removed daily by the means of an energetic alkaline medium." Orphos, "dental science's latest miracle"; Pepsodent, "the greatest step made in a half-century's study of tooth-cleansing methods"; Pebeco, "a tooth paste specifically created to correct unhealthy mouth conditions"; Listerine tooth paste, which "keeps teeth gleaming white with almost no brushing," offer cheap and common chemical agents under the guise of scientific discoveries to combat film.

Here is Mu-Sol-Dent, one of the more exclusive and aristocratic of this group, into whose advertised pedigree enters no less a name than that of the Greatest Secretary of the Treasury since Hamilton. Mu-Sol-Dent, New in Principle, New in Results, is put out by the V. B. Corporation of Pittsburgh, as a product resulting from extensive research under the auspices of the Mellon Institute, of which, it is noted, Secretary Mellon is a prominent member. It is advertised as "the first efficient isotonic cleansing agent for removing mucin plaques and film from the teeth." The facts are that a dentist, named C. Vogt, who held a fellowship at the Mellon Institute, developed a formula for a mouth wash which would have the alkaline characteristics and effectiveness of plain soap in removing mucin or tooth film without the use of soap. He used a chemical, tri-sodium phosphate, commonly used in soap powders and wall cleaners, which hydrolizes in solution, producing an alkaline reaction. The Institute issued a certificate declaring Dr. Vogt to be the discoverer of the formula used in Mu-Sol-Dent. This certificate, prominently featured on the Mu-Sol-Dent label, concerned only the chemistry of the product and not its extravagant claims that it prevents tooth decay and pyorrhea, heals sore and bleeding gums, and so on. Realizing that its routine certificate of discovery was being commercialized, the Institute discontinued the issuance of such certificates in 1921. The American Dental Association found that Mu-Sol-Dent is new neither in principle nor results; having the essential properties of a solution of potassium and sodium chlorides and sodium phosphate, of which three times the amount contained in a seventy-cent bottle would cost a few cents at most. It found further that "tests indicate that one can get essentially the same smooth feeling of the mouth and teeth by using a solution of soap as by using a solution of Mu-Sol-Dent," and concluded that if all its claims were justified, the dental profession might as well go out of existence.

The most widely advertised dentifrices are of two kinds: those which claim to cure pyorrhea or other pathological conditions which only an expert dentist should treat, and those which modestly limit their claims to cleansing or polishing the teeth. Use the first class at your peril; the second if you prefer

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their pleasant taste to table salt or powdered chalk, which are equally efficient as cleansing agents.

The dentifrices claiming to cure pyorrhea are usually composed of harmless ingredients which are on most kitchen shelves, but are a menace to public health because they lead the users to believe that pyorrhea can be cured by home treatment. Most of them consist of baking soda and borax. X-It, "worked out specifically for the prevention and treatment of pyorrhea and other germ diseases," is put on the market with the alleged recommendation of "over 14,000 dentists and physicians." A bottle, costing $1, is composed of tincture of benzoin with a little zinc chloride and wintergreen flavoring. Miracle Pyorrhea Powder advertisements guarantee that the product will tighten loose, diseased teeth even if "they are so loose it seems you could pick them out with a finger," and apparently the fear of shedding a few teeth as one chats with friends is so general as to guarantee a steady and profitable market. Mucol, another salt and borax preparation, is recommended not only as a mouth wash, but for "troublesome feet, prickly heat, sunburn and piles."

Advertisements of Ipana, Pepsodent, Orphos and Pebeco tooth pastes feature an apparently magical power to whiten dull or yellow teeth, ignoring the fact that if Nature gave you yellow teeth, nothing short of a complete set of false ones can correct the condition. Some of the dentifrices in this class employ such dangerous chemicals as hydrochloric acid. A government chemist placed an extracted tooth overnight in a solution of one widely advertised tartar remover. The next morning the tooth was the consistency of a well chewed lump of gum. Tartaroff, "the greatest scientific discovery of the age, which transforms teeth immediately into gems of pearl-like beauty," was found by the American Dental Association to consist of hydrochloric acid and water with a trace of aluminum.

The term "antiseptic and germicidal" is widely used in dentifrice advertising to appeal to persons who desire only a certain amount of oral cleanliness and hygiene. It is rapidly being deleted from actual labels because of the government ruling that no product may be so labeled unless it actually kills bacteria in the conditions under which it would ordinarily be used; but the law does not touch advertising. A germicide is scientifically defined as a substance or agent that destroys micro-organisms so that they will not grow when placed in appropriate culture mediums; an antiseptic, as a substance that prevents the growth of these organisms as long as certain conditions are maintained, but does not destroy their vitality. No tooth paste or mouth wash which has yet been analyzed by government chemists contains a germicide strong enough to destroy organisms during the few seconds it is in the mouth.

The most significant findings in this field were made by Dr. Veader Leonard and other chemical experts working in the Johns Hopkins laboratories. Forty-one brands of tooth paste, of which eight accounted for 90 percent of the total tooth-paste sales, were examined for possible antiseptic action. Not a single preparation was found to be capable of destroying staphylococcus, one of the common micro-organisms found in the mouth, after a five minutes' exposure.

But the public will probably continue to purchase millions of dollars' worth of tooth paste; to read the advertisements of Forhan's, showing five charming people like characters from a Michael Arlen novel, seated at a dinner table, of whom four, but for the grace of God or the use of Forhan's, will contract pyorrhea; of Ipana, featuring a lovely lady seated in what might be a dentist's chair except for the strange setting of draped curtains and footlights, carrying on a conversation about gums with a white-coated gentleman who assures her that gums need exercise and that she should use Ipana; or of Orphos, which shows a charming girl holding daintily before her face a second face with dingy teeth, relics of the past; while her own teeth, freed from "yellow mask," gleam with "a new brilliance, a new whiteness"; or of Pepsodent, advertised by a lady who might be recommending a special permanent wave or eyebrow pencil, but is assuring you that her teeth are now free from film.

Probably the most justifiable advertisement now appearing in this field is that showing a full-page picture of two shapely, silk-clad legs, with the strange caption "gleaming, tartar-free teeth." The bulk of the accompanying copy is not directed toward the charms of gleaming teeth, however; it demonstrates that there *is* a connection between legs and teeth. For what you save in a year by paying only twenty-five cents a tube for this particular brand of tooth paste will buy you a pair of silk stockings. But think how many pairs you could buy with what you save by using no tooth paste at all!

CATHERINE HACKETT.

After All

Let the tired heart turn slow
And churn no more the chill
Blood with its broken wheel.
Let quiet come to the mill.

Now let the still blood stand
Stagnant in every vein
That you may hear no more
Those wheels that whirred your pain,

But climb the tower of pride
Through rust and ruin where
Forgetfulness like dust
Deepens upon the stair, –

Past the imprisoned dream,
A lean hound of the brain
That whines in the desperate dark
And leaps his length of chain.

CARLETON DREWRY.

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The Attack on the Jury

A YOUTH is indicted for rape. By the time he comes to trial, the nature of the offense may have aroused such widespread popular prejudice that the accused fears its effects upon the jury and prefers a trial by the court. If actually innocent, he may have confidence in the ability of the judge to rise above the public clamor and weigh the evidence fairly. If guilty, and perhaps without hope of acquittal, the defendant may nevertheless hope that the judge would be more apt to consider mitigating circumstances in fixing the sentence.

Should the accused, for these and other reasons, decide to waive the jury, may he do so? The federal Constitution and all state constitutions guarantee a jury trial in criminal cases. Does that mean that an accused *must* have a jury trial? It is a sad commentary upon our blind faith in the jury to say that most persons would readily answer the above question in the affirmative. As a matter of fact, we shall show that the federal constitutional provisions, and those of practically all the state constitutions, support the construction that jury trial is a privilege, which the accused has power to relinquish when he chooses to do so.

To understand the historical basis for such a view, it should be borne in mind that in origin trial by jury in England was founded, in principle at least, upon the consent of the accused, who was called upon to choose between trial by God (ordeal) and by his country (jury). Later, in this country, an optional non-jury trial in all criminal cases was expressly provided for in the Massachusetts Body of Liberties of 1641. A similar practice was in force in the city criminal courts of colonial Maryland.

Consequently, when the early state constitutional conventions met, there was already sufficient precedent for elective criminal trials by judges alone. But on the question of waiver, the framers were silent. So fearful were they of executive tyranny, such as that recently practised by the Crown, that they thought of the jury almost wholly as a barrier between the government and the individual, as a check on official despotism. To accomplish this end, they inserted the jury trial guarantee in the early constitutions, a provision which served as a model and is found in all existing constitutions. It usually states, with minor variations in terminology, that the right to trial by jury shall remain inviolate, or, that the accused shall enjoy the right to a trial by jury.

II

What is there in the language of the typical constitutional provision relating to the jury which prevents the legislature from offering an accused person a freely exercised option of trial by the court? To be sure, the legislature cannot deny or abridge the guarantee; but no one would maintain that an accused who, pursuant to statute, consents to stand trial without jury is deprived of the right to a jury. To those defendants who elect the jury, the right remains. What the framers of our constitutions wished to forestall was the *abolition* of jury trial by legislative fiat.

The view that jury trial is merely a personal privilege has been maintained by high authority in a number of judicial decisions. In State v. Worden, the Connecticut Court of Errors, in upholding a statute permitting an optional trial without jury, declared that jury trial was not intended to secure "a principle of government or the political rights of the people collectively." Rather, "the natural and obvious meaning is to secure to suitors and persons accused of crime the right and privilege of having their causes heard and determined by a jury; and it is difficult to see how the principles of liberty and self-government, or the interests of the body politic, can in any way be put in jeopardy by a waiver of that right."

The Supreme Court of Ohio in 1925 endorsed the principle of waiver with the forceful conclusion that "the State, of course, owes to persons charged with crime a fair and impartial trial, and a strict compliance with every guarantee provided by either the Constitution or the statutes, but does not owe to them the duty of forcing upon them acceptance of all possible rights and privileges in the face of an express desire to waive them."

True, in some states, decisions could be cited in which waiver was declared invalid. But a careful examination of most of them would disclose that the reason for this trend of opinion is not the unconstitutionality of waiver, but either the lack of statutory authorization for it, or the existence of statutes which are interpreted as making jury trial mandatory. It is plain that the remedy in such cases is by legislative action.

But suppose the constitutional provision is worded in mandatory terms. Does that definitely preclude waiver? In Massachusetts, for example, the Constitution declares, "And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury." Yet the Massachusetts court recently pointed out in Commonwealth v. Rowe that the mandate in this provision is addressed to the legislature only. In no sense, the court concluded, does the Massachusetts Constitution "deprive the individual of the power to refuse to assert his constitutional right to trial by jury." It seems that the same interpretation should be placed upon Article III, Section 2, of the

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federal Constitution, which reads, "The trial of all crimes, except in cases of impeachment, shall be by jury." The Supreme Court of the United States, however, has never passed directly upon the validity of jury waiver in offenses other than petty ones.

III

Those opposed to jury waiver rely upon a doctrine announced in an early New York case, Cancemi v. People, that, since the public has an interest in the outcome of a criminal prosecution, the will of the individual cannot be the final arbiter as to the mode of trial. The court pointed out that the social interest could not permit the accused to exercise his discretion in surrendering the jury, which is an essential safeguard of his liberty, and perhaps of his life.

A moment's reflection makes it evident that the "public interest" theory begs the question. Is the individual's liberty safeguarded by a jury trial under all conceivable circumstances? There are many instances where a jury trial might be considered a means of oppression rather than a measure of protection. Judge Bond of the Maryland Court of Appeals has pointed out various reasons why an accused might prefer trial by judges in Maryland, where an option is given in all cases. In summary form they are as follows: fear of effect of popular passion upon the jury in revolting crimes; desire to avoid the impairing of a defense plea by playing up of jury trial in newspapers; confidence in the fairness and integrity of the court as against doubt in the character of the jury; where, as in Maryland, the jury is judge of law as well as fact, a desire to entrust a defense based largely on a question of law to the trained mind of the judge; fear that the jury will disregard the rule requiring the prosecution to sustain the burden of proof; fear of race prejudice in the jury box.

As a matter of fact, various factors have to be balanced to determine whether the public interest requires an optional non-jury trial. One factor to consider is the element of delay, which is one of the primary causes of our present discontent with the administration of the criminal law. The Connecticut Court of Errors recently remarked that "speedy determination of criminal causes is almost as essential as their right determination." We know that there is insistent need for giving momentum to the disposition of criminal cases. Alternative methods of criminal trial, from which the accused could freely choose, might result in an economical and expeditious system of criminal procedure from which public benefit would flow. Certainly the individual interest is safeguarded so long as any one of the available modes of trial is capable of giving a fair result in the light of the circumstances surrounding the case. Procedure is only a means to an end. It should function in harmony with changing social conditions. It should be flexible and dynamic. Trial by jury is, after all, only one of various procedural methods by which a desired social end may be accomplished. Waiver of jury may be equally socially desirable, a question which is for the legislature to decide.

In the federal district courts, for example, the large number of prohibition cases in which jury trial issue arises has led to scandalous congestion in the criminal dockets. This might be materially relieved by a bill such as one introduced at the last session of Congress conferring on an accused the power to waive the jury in criminal prosecutions in the district courts. Such a bill would seem to be constitutional for reasons previously discussed, and might eliminate the disgraceful "bargain day" pleas of guilty, which exist because there is no speedy mode of trial as an alternative to the time-consuming jury.

IV

Fortunately, an optional trial by the court is far from being a mere experiment. In a few modern state constitutions there is an express provision for an elective non-jury trial in misdemeanors. Even in the absence of such a constitutional provision, statutes authorizing waiver of jury in misdemeanors have long been regarded as constitutional and are now in force in about twenty states.

In eight states—Connecticut, Indiana, Maryland, Michigan, New Jersey, Rhode Island, Washington and Wisconsin—statutes extend the election to felony cases as well. Capital cases are included in Connecticut, Indiana and Maryland. The Connecticut and Indiana statutes have been declared constitutional. That issue has not yet arisen in the other six states. In Connecticut, Maryland, Michigan and Wisconsin, only the consent of the accused is required to initiate trial by judges. In Indiana and Washington the court and the prosecuting attorney must also assent, while in New Jersey and Rhode Island the court may exercise its discretion in granting the defendant's request for a non-jury trial.

Experience under some of the statutes covering misdemeanors and felonies indicates that accused persons are willing to waive a jury in an astonishingly large number of cases. This is adequately demonstrated by reliable official statistics. The Maryland state attorney's office in Baltimore reports as follows:

Year	Non-Jury Cases	Jury Cases	Percentage Non-Jury Cases
1924	4,499	180	96
1925	4,347	205	95
1926	3,774	271	93
1927	4,588	229	95
1928	4,531	115	98

In Connecticut, the Clerk of the Court of Errors states that since the passage of the present act in 1921, about 70 percent of the cases were tried by judges. The Prosecuting Attorney of Allen County,

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Indiana, writes that nineteen out of twenty cases are tried by the court, a large number of them being felonies. Howard County, Indiana, reports trials without jury in about 95 percent of all cases. In St. Joseph's County, Indiana, in 1925 and 1926, 90 percent of the misdemeanor and 20 percent of the felony charges were tried by the court. In Bergen County, New Jersey, seven out of ten cases are tried without a jury. In Mercer County, New Jersey, the Prosecutor reports an average of 30 percent non-jury trials for a five-year period. The Michigan, Rhode Island and Wisconsin acts are too recent to furnish a basis for judging their effects. Only the Washington statute appears to be a "dead letter."

The results obtained under these statutes fully warrant the conclusion that the plan of elective trials without jury will greatly lessen the present overcrowding in the dockets of our criminal courts. The saving in time of trial is self-evident. It has been estimated that the same case tried without jury consumed about one-third of the time required for a trial with jury. Judge Bond of the Maryland Court of Appeals writes: "Ordinarily two criminal courts are sufficient to care for the criminal dockets in the city [of Baltimore] which has a population of nearly 800,000. . . . Of the 1,500 criminal cases docketed during the January, 1925, term of the Criminal Court of Baltimore City, all except 177, mostly those last docketed, were disposed of before the final day of the term. Unquestionably, this comparatively rapid disposal of business is due to the prevalence of trials without juries."

It is also evident that a court trial eliminates a large proportion of the rules of procedure and trial practice incident to the jury. The proceedings are not characterized by technicalities concerning the admission and exclusion of evidence, instructions to the jury and so forth. This reduces numerous grounds for new trials, appeals, and the large number of reversals and retrials which come in their wake, with the resulting further conservation of time and expense, and what is most important, increasing the certainty of justice.

Some question may be raised as to the attitude of the legal fraternity toward waiver of jury. A questionnaire by Judge Maltbie of the Connecticut Court of Errors disclosed that, in Connecticut, all the judges and public defenders, and a great majority of the prosecutors and attorneys, favored a continuance of the elective court trial in criminal prosecutions. It has been approved by such influential bodies as the National Crime Commission, the New York Crime Commission, the Judicial Council of Massachusetts and the Missouri Association for Criminal Justice. The model code of criminal procedure recently drafted by the American Law Institute contains a section providing for waiver of jury in all criminal cases.

Abolition of the criminal jury would involve a long-drawn-out process of constitutional amendment. We have not attempted to discuss that question, involving as it does radically different issues.

Waiver of the criminal jury, however, as we have seen, may be provided for by statute without constitutional amendment in most jurisdictions. Strong precedent in law, and successful operation in practice, seem to point to a rapid extension of the elective trial by judges as an effective alternative method for determining the guilt or innocence of persons charged with crime. It is not too much to hope that an optional trial without jury may seem in time everywhere, as it already does to the legal profession of Maryland, in the words of Judge Bond, fully as natural a feature of the administration of criminal justice as jury trial.

S. CHESTERFIELD OPPENHEIM.

Washington Notes

TO JUDGE from the furious way the dry drums were beaten during the holiday season, now happily over, prohibition is going to mess everything else up in Congress for quite a time to come. Much burning and meaningless eloquence will be spilled and no progress at all made in settling our most controversial and interesting issue. There are at least a score of Senators, representing both parties and all factions, whose souls seethe with hot speeches on the subject, who will be in pain until they obtain the customary release in oratory. It would be a relief to the country if all these speeches could be delivered consecutively and without intermission, in order that they might be over and done with. But such is not the senatorial way. To adopt that method would be to let the first three or four get the publicity and to rob the last half dozen of any news value whatsoever. This is naturally abhorrent to the senatorial nature, and the prohibition and anti-prohibition speeches of the session will be properly spaced. There will be no indecent crowding, one upon the heels of the other. Instead, after one man unburdens his seething soul, unless another unburdening seems timely and newsy, some days, or at least one day, will be allowed to elapse before the next delivery. In this way the publicity values will be kept from undue and discouraging shrinkage, and the other business of the Senate can be gummed up very satisfactorily.

Some surprise has been expressed that this most recent outburst of prohibition criticism should have been started by the dry Democrats instead of the wets. In the past, the wet Democrats have invariably initiated the prohibition debates. This time the issue is raised by Democratic Senators from Southern states who are about to come up for renomination. The explanation furnished by White House journalistic spokesmen that these Senators are largely inspired by personal political motives is probably accurate enough. The argument is that having supported the very wet Al Smith in 1928, these Southern Democrats from dry states find it expedient now to make some gesture calculated to convince the dry forces at home that their hearts are in the right place. This line of reasoning, however, does not account for the blasts from Borah, Brookhart and Norris. None of these is a Democrat and none save Nor-

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ris comes up for reëlection this year—and Norris does not play politics that way. He just has not got the kind of mind that thinks a thing like that good politics.

I am told that the White House feeling about the Progressives who joined in the attack is that they were animated partly by a desire to embarrass Mr. Hoover and partly by an itch to seize a little Yuletide first-page publicity. In view of the complete absence of anything resembling a constructive thought or suggestion, and the mere repetition of allegations made for years by the wets and fully attested by facts which the drys have chosen to ignore —in view of these things, there seems to me some ground for the White House belief that the holiday attack was a more or less concerted effort to make things difficult for the hard-pressed Herbert. The denials that this is so would be more convincing if there had been something in the way of new evidence or fresh facts behind the statements. At any rate, they have put Herbert and Herbert's Commission in a defensive and exceedingly uncomfortable position—which is not, from my point of view, anything concerning which to become greatly discouraged.

It is plain that the Commission's report—at least the preliminary one—is going to be rather thin and unsensational. It is plain that it will be devoted to a clear analysis of the situation and a statement of the facts, with suggestions for the tightening of enforcement, but that it will not go to the basic trouble or grapple with the main problem. We are told that the Commission has no idea of expressing an opinion on the wisdom or unwisdom of the Eighteenth Amendment or the Volstead Act, and that its findings and report will be unanimous. In other words, the drys and the wets on the Commission will be in complete accord upon the ultimate recommendations. This, it seems to me, insures an innocuous and unimportant report, and any commission that makes such a report should, I think, be put on the defensive. I had real hope from the personnel of part of the Commission that it would go to the roots of things and present the situation in such a way as really to clarify national thought and move us a little closer to a solution. If the esteemed Senator Jones and others who have recently talked with the members are right, however, there is slight chance of that, and I am disappointed. Probably it serves me right for being silly enough to expect anything else.

Aside from the prohibition flare-up, the one interesting event in Washington during the Merry Christmas season was the White House announcement of the appointment of Senator Sackett of Kentucky as ambassador to Germany. It was as much a surprise as that of Edge to Paris, and not very much more popular. One difference between Sackett and Edge, so far as Hoover's selection of them is concerned, is that Sackett was a friend of Hoover's during the war, served in the Food Administration, and was strongly for him much earlier than Edge. Still, when you say that, you say it all, and neither appointment is explainable on the professed administration theory of filling these big diplomatic posts with the best available men. Nor does the talk of the necessity of sending business men to France and Germany because of the increased importance of economic questions seem at all adequate.

A much more plausible explanation of the Sackett appointment is that Mr. Sackett, who was coming up for reëlection this fall in a normally Democratic state all set to swing back to its natural party moorings, faced a situation that would retire him from the Senate. Under these circumstances, Mr. Hoover solves the Senator's problem with an ambassadorship and clears the track for a more popular Republican candidate with a slightly better chance of election. From a purely political standpoint, this may be all right, but to me this business of conferring important diplomatic posts upon rich Senators who shrink from the fight for reëlection is nothing at all to cheer about, particularly when there is no discoverable qualification other than wealth for the post. If there is any real difference between this sort of thing and the old-time lame-duck appointments which nearly every independent newspaper has for years condemned as wrong in principle and practice, I am unable to see it.

As to the tariff, there is no news. It still remains to be seen whether the coalition, having acquired control, can function successfully, or whether it will justify the dreadful apprehensions of the alarmed business men who think that the country is safe only when it is in the control of a regular Republican party with a New England boss. For myself, I have had no doubt of the ultimate ability of the coalition to legislate, incomprehensible as has been some of the delay sanctioned by its management. I have held that in the end it will pass a tariff bill that will be a vast improvement upon the bill that would have been passed had there been no coalition. I have even felt—and still do—that if it passes no bill at all it will have done a service not only to the country but to Mr. Hoover. Were it not for the coalition, he would certainly have been put in a hole by his own party leaders, who are disloyal to him in more ways than I have space to enumerate. However, I must admit that the present furore over prohibition, which is largely confined to the coalition camp, and the soul-outpourings on the subject above mentioned as impending, decrease the chances of anything like speeding tariff action. They may pass the bill in the Senate sometime late in February—but I think, considering the temper and temperature of certain Senators, that even this is optimistic. This means, of course, that the bill cannot go into and come out of conference and be finally acted upon in House and Senate before April. In the meantime there will be much moaning and groaning among the aforesaid alarmed business men. It's a grand government we have—when it works.

Washington. T. R. B.

High Heaven

High Heaven, blue and dustless, I can see
Is stripped of many a lovely thing
The earth has here to give me ecstasy.
I think it has no bird to sing.
I doubt it has a golden bee;
Or spider that, with silver string,
By two deft turns is given power
To tie a tree onto a flower.

WADE VAN DORE.

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A Book on Diego Rivera

DIEGO RIVERA is still so far from dead and is painting so many pictures—not to speak of his not having been born French, though this would not debar him if he had painted a few canvasses and died—that the Paris dealers have done little to promote him. This means that it would be a good thing to set down some of the facts about him, for the sake of our better acquaintance.

Diego Rivera was born in 1886, in Guanajuato, an old silver-mining town that has gradually sunk almost into oblivion. His father was the son of Spanish parents; his mother had a Spanish mother and an Indian father. Diego's grandfather on his father's side had been high in the Juarez military administration; his father, on the other hand, was Jacobin, a Mason, anti-clerical, who served as a chemist in the mines and taught for a part of every year in a primary school, besides editing a little newspaper that carried the wrongs of the town workers. When Diego was six years old the family moved to Mexico City, where, after a while, he began his lessons in drawing, and made the acquaintance of José Guadalupe Posada, to whom goes the credit for that rediscovery of the Indian, his life and his art, that has revitalized Mexican painting. Then during the years that followed came further studies, with more interest in Aztec sculpture, then painting in the country, an exhibition and sales. The money from these sales, plus a grant from the Governor of Vera Cruz, sent him to Spain. In Spain, Rivera studied in the galleries—Velasquez, Goya, Titian—made some unsuccessful copies, dreamed of home, made journeys through the country, among the people, and finally moved on to Paris, and the influence of Cézanne, Picasso, and then, in Brussels, to that of Pieter Breughel the elder. After that came London, where seeing, not anarchism as that organized protest to which he was accustomed, but a society in which misery had an organized part, sent him out of the museums to buy his first copy of Marx.

In 1910 he went back to Mexico, to hold an exhibition, and struck the Madero revolution, in which he shared, and from which he learned some deep, fierce, unforgettable things. In Paris again he took up Cubism. Then the War, during which he alternated painting with working as a mechanic, then news of the Mexican revolution, then traveling in Italy, drawing from the Byzantine mosaics, the early painters, the Etruscan art, and finally, in the light of Giotto, coming to his conviction that fresco is the ultimate in painting. He came back to Mexico with a plan for painting the walls of a workers' school, and with the scheme for such a school, to which scheme Obregón gave a quick ear. The school that Rivera proposed failed to be carried out, but to his group, later to call themselves the syndicate of painters, were granted the walls of the National Preparatory School. These painters were put down on the government payrolls as clerks, inspectors of drawing, teachers. They were united in the source of their material, the Indian, and in their social ideas. As an organized craft, however, these artists eventually lost, and, in spite of himself, Rivera has remained as the government's man.

Rivera's great fresco exploits are in two places, the Ministry of Education in Mexico City, and the National Agricultural Academy at Chapingo. These frescoes, teeming with life, with feeling, power, patient record, do not convey historical facts but the Indian story in its spiritual essence and by means of typical scenes. In one court is depicted the working life of the common people, the sowing, hammering, reaping; in another we see the intellectual life, the tools of laboratories, the devices of philosophy.

In another court are the martyrs of the people—figures taken from the people's own choice, Rivera trusting them, rather than appointing heroes himself—Zapata, Felipe Carillo, and others. On other walls are the festivals, the markets and fairs, the Day of Judas, the Day of the Dead, the Feast of the Corn, the dances, and, elsewhere, satirical panels, one a bourgeois family's dinner, then a banquet with John D. Rockefeller, drinking milk, Morgan, Ford, and so on, with ticker tape and horrible ladies very décolleté.

All this and more is set forth in Miss Evans' introduction to the book of his frescoes,[1] an essay that, as far as it goes, is delightful reading and sympathetic comment on Rivera. Its defect lies in the gentleness of its outline, the edge of Rivera's revolutionary credo is much too much blunted, the superb candor, the brutality, sexuality, the genuineness and the gentle, instinctive naturalness, of his life are not presented to us, to admit, to swallow if we can, to deny at our peril. Nor is the magnificence of his best moments enough impressed upon us, nor the monotony of a good many of the frescoes sufficiently admitted, nor the occasional banality of the ideas and rendering, nor the occasional lack of taste—it is a part of such a gift as Rivera's and of such gigantic powers of creation and so many feet of surface that great inequality should appear.

The section of the book that reproduces the frescoes, sometimes a whole panel, sometimes a detail, is disappointing. It is, of course, impossible to give a just impression of one of these paintings, its part in a long rhythm of other groups and panels, its vitality in the light of the sky that floods the open patio whose walls it covers, its strange harmony of fresco color, bright and semi-flat and marked and underlaid with that gray and black of Rivera's, and finally, the animation and music of its design, when seen in the actual scale, not thus reduced to a page in a book.

But the selections themselves, though often happy, are as often inferior to others there were to choose from. Those walls of Rivera's are sometimes forced and heavy, sometimes tragic and poignant, and at moments beautiful as any frescoes anywhere. Sometimes they show naughty devastating impishness and journalism, with a power of sarcastic statement and exact, bold caricature as remarkable as their lyrical and dramatic powers. This lyricism, dramatic insight and the frequent brilliance in drawing, may mean more to some spectators than will the Aztec elements of Rivera's art, the square-massed spaces, the oriental simplification, the tone reductions of the palette, but the art itself remains a complete whole.

Greater than any of these qualities for excitement, however, is Rivera's relation to the life around him. No artist, so far as I know, has ever been related to his country

[1] The Frescoes of Diego Rivera. With an introduction by Ernestine Evans. New York: Harcourt, Brace and Company, $10.

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with so much violence, tenderness, rich variety and audacity as Rivera. The sincerity and vigor of his beliefs and participation in his time, race and country, all of it poured with such power and rashness into his painting, makes a curious comment on the French and American painting of our time, makes it seem, however excellent or choice, vaguely removed, strangely empty of passionate attack. And the life and country—the land itself, even—that feeds this art of Rivera's, appears in it as hardy, fecund and various and beautiful beyond all wonder; and makes us reflect upon the phrase, "if the Mexicans could only learn to manage their affairs," which we hear so often, and find so comfortable.

STARK YOUNG.

A COMMUNICATION

Free Ships Make Free Seas

SIR: A simple, credulous American soul, hailing the advent of the Labor party to power as the dawn of a better day in international affairs, must, I think, be shocked to read at this date a cool brief for the hunger-blockade from one who attests himself to be a Laborite, a pacifist and an international politician—or shall we say mortician?—a brief suggesting to you that "food-blockade by sea-power is not only a mighty but also a comparatively merciful weapon for securing the safety of sea-peoples"—like ourselves and the British—if not, indeed, "the only weapon short of war itself that can be a safeguard for peace and a sanction for pacific covenants." And, as if this were not enough, a brief referring to Germany as a self-convicted "pirate nation," because her War-time government retaliated for the deadly economic attrition and slow starvation laid down by the British Admiralty's blockade, which was in despite of most of the sea-law there ever was, by launching a more dramatic and desperate, but no more hellish, and much less effective endeavor to accomplish against unequal odds the same dismal end. One cannot escape the feeling that here Mr. George Young, writing on this subject in The New Republic of December 4, speaks his mind rather as a member of His Majesty's (international) opposition than as a loyal Laborite and pacifist; that what he says is another challenge of our old familiar *Advocatus Diaboli,* and not an utterance of our new friend, the "plaintiff in the great case of the People *vs.* Mars."

It certainly is in the highest degree improbable that Mr. Herbert Hoover, or any other accurately informed American, would ever suggest to anybody that "the effect of food-blockade in the Great War has been exaggerated," or that the collapse of the German front "was only insignificantly affected by the sufferings of the civilian population caused by the British food-blockade." Such euphuism belongs in the category of "the angel of Mons," "the myth of a Guilty Nation," and the "civilizing Senegalese," in "the late unpleasantness." . . . Of what use is it to palliate the fearful facts or conceal the terrible efficacy of the weapon of famine in planning a better international order? To do so is to deceive nobody but ourselves. . . . The President's far-sighted food-ship-immunity proposal is but the last of a long series of efforts to restrict the pretensions and mitigate the ferocity of belligerents, with which American diplomacy has been closely and honorably identified from the days of Franklin and Jefferson—who denounced and rejected the food-blockades then directed against France—to those of Bryan and Lansing, who declined to recognize the legitimacy of a similar, but widely extended, effort against Germany. It seems hardly too much to say that whatever restraints of arbitrary maritime violence have been effected in international jurisprudence, have been effected principally by the influence of the United States—not forgetting the armed neutrality adopted by Russia under Catherine II.

Mr. Young takes his case for Anglo-American coöperation in closing the lanes of the sea not to the jury but to the gallery, in assuming cavalierly much that still remains to be proved and ratified, saying: "All the old issues of sea-power have been revolutionized; politically, by the abolition of British supremacy through parity; juridically by the abolition of neutrality through the post-War pacts and strategically, by the approximating abolition of sea-power by air-power." If all this were true, what possible grounds would there be for British objection to the President's harmless proposal? . . . Nothing better reveals the fact that it is not an academic question, but perhaps the most vital one in the whole field of international jurisprudence, than the alarm registered by European *Real-politikers,* lest some such humane exercise of neutral power be actually established as affirmative law, and exercised to the frustration of the war-system, now called the "sanction system."

The President's proposal, like the Kellogg Pact, is diametrically opposed to the language of "piracy" and the tactic of "prosecution" in international affairs, in which the moral verdicts pronounced by political bodies and disseminated by cunning propaganda are invariably preliminaries of war, not peace, and overtures to violence, not justice. The world, we hope, has learned to be wary of them henceforward. However much Europeans may seek to distort its terms, the American idea and the peace-pact carry no such implications, are not to be expressed in that hackneyed dialectic.

Your correspondent asks, "Why not accept the responsibility for intervention on a clearer issue?" The answer is plain: because there is no clearer issue. Does anyone think now that the issues of 1914 were clear? If food had gone through unmolested to both sides, they would have been far clearer and the results of the War far less painful. Indeed, there would then have been no "justification" for American intervention. . . . It will never be clear who is the real culprit, who the real aggressor, in the heat of any dangerous international dispute. That is the crux of the whole matter, and the reason why a body of American opinion believes that food-ship immunity is an essential prerequisite to disarmament, and that if there is to be any intervention again, it must be on the side of an unequivocal and equilateral principle of law.

Blockade does not become "public" and legal, as distinguished from private and illegal, merely because Britain and America see fit to collaborate in its imposition, in the name of "the world," or "peace," instead of a single naval power's going it alone in the name of suppressing piracy

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and the submarine. The problem is one for jurists rather than politicians, one that can no longer be dodged or "blinked." If it may not be discussed at the London naval conference, *it may likewise not be assumed that neutrality is no more.* There is much evidence against the assumption, much need for a modification of the law. There may be legitimate weapons on the moral path to peace, *e. g.* a general neutral boycott or embargo against a flagrant aggressor, applied by judicial consent. But the real problem is the creation of a respectable body of maritime law, consonant with the Pact; and for this purpose alone, in the event of a fiasco at London next month, we earnestly hope the President will invite a meeting of the long-overdue Third International (Hague) Conference, preferably at Washington.

BRENT DOW ALLINSON.

University of Chicago, Chicago, Ill.

CORRESPONDENCE

A Dinner in Honor of Waldo Frank

SIR: Those who have followed the articles of Waldo Frank appearing in The New Republic, will be interested to know that on or about February first, a public dinner is to be given in his honor. His Hispano-American friends in New York City are tendering him this banquet because he has been very sensitive and intuitively correct in his appraisals of the culture of Spain and of Hispano-America, and because he dares to assert that our pragmatic world can learn, yes, learn indeed, from this Spanish-speaking world. We are desirous of inviting those Americans who have followed the splendid work of Waldo Frank in this country to join us.

The immediate occasion for this banquet is his return from South America where he aroused enthusiasm and appreciation for the culture being forged in this country. Invited by the universities of Mexico City, Buenos Aires, Lima, and numerous cultural units in Argentine, Mexico, Chile, Peru, Bolivia, and Cuba, he gave over forty lectures in Spanish, and the response that he received is unprecedented. . . .

Men and women like Charles Chaplin, Otto H. Kahn, Herbert Croly, Alfred Stieglitz, Professor Federico de Onís, the Mexican painter José Clemente Orozco, Max Perkins, Alma Reed, Paul Rosenfeld, Anita Brenner, Bruce Bliven, Lawrence Wilkens, Frank Callcott, Professor Marcial Dorado, Lewis Mumford, and many others have expressed their desire that this banquet be given to Waldo Frank. Readers of The New Republic who would like to join these distinguished persons in honoring Waldo Frank should write to the undersigned, care of Hunter College, Romance Language Department, 66 Court Street, Brooklyn, New York, for further details.

M. J. BENARDETE.

New York City.

Is There a Christian Science Censorship?

SIR: Your issue of December 11 carries an article entitled "Christian Science Censorship" which gives a very wrong impression. The same is true of the editorial on this subject on December 18. Therefore, I would appreciate the privilege of space in your publication for a brief correction that your readers may not be misled. The nature of the article indicates that the situation is both misunderstood and exaggerated.

Protests of individual Christian Scientists may not be properly interpreted as a boycott or as suppression, and reiteration of assertions to the contrary cannot alter that situation. The protests made in this case have been by individuals.

The nature of the criticisms in the article indicates plainly that the critics have not known what Christian Scientists do in this regard or upon what basis their protests are made. Christian Scientists assert the right to defend and protect their religion and the individuals connected with it from misrepresentation. Adherents of other religious denominations assert and exercise the same right. Surely, no fair-minded and thoughtful observer having correct information would deny or deprecate the exercise of such a right.

In a public statement on this matter, the Board of Directors of the Mother Church, the First Church of Christ, Scientist, in Boston, Massachusetts, has said in the December 21 issue of The Christian Science Sentinel:

> Fair and friendly observers may, however, say that protesting against an objectionable book is unwise; that the protests will be misconstrued and used to advertise the book; that they will do more harm than good by exciting curiosity and causing the book to be read. Such counsels as these present a question by themselves; they present a question not of propriety, but of wisdom. As such they deserve a careful thought, and this they have had. Christian Scientists are convinced, partly by experience, that Mrs. Eddy spoke truly and wisely when she said, "A lie left to itself is not so soon destroyed as it is with the help of truth-telling" (The First Church of Christ, Scientist, and Miscellany, page 130).

ORWELL BRADLEY TOWNE

Christian Science Committee on Publication.

New York City.

[An editorial commenting on Mr. Towne's letter appears on page 210 of this issue.—THE EDITORS.]

Yes, Why Not Reduce the Tariff?

SIR: I quote from an editorial in the December 11 issue of The New Republic:

> It is clear that in this endeavor [facilitating the trend toward an ordered economic world] he [Mr. Hoover] visualizes the role of political machinery as a distinctly subordinate one.

Is Mr. Hoover, then, one of the new type of men glorified by Mr. Wells's mouthpiece, William Clissold? Is the recent assembly of industrialists, financiers and advertising experts in Washington, the Open Conspiracy materialized?

Or perhaps this is the New Republicanism? With the Old Republicanism in the Senate restricting our export trade by a bigger and better tariff, and the New Republicanism nationalizing American economic life in a style that admits no place for tariffs, where does Mr. Hoover stand?

This is surely the time for the Economic Engineer to reiterate and reassert the Bankers' Manifesto of three years ago: "Trade is not war, but a process of exchange. . . . Restricted imports involve restricted exports, and no nation can afford to lose its export trade."

Kingston, R. I. ROBERT ROCKAFELLOW.

The Boy Scouts

SIR: The Boy Scouts of America, committed to a program of character-building and citizenship training for boys, will celebrate its twentieth anniversary from February 7 to 13, 1930.

Boy Scouts are well known for their preparedness in everyday emergencies. The thousands of Good Turns for others performed daily by Boy Scouts have put the phrase "Good Turn" into the English language with a specific and concrete meaning. Hundreds of cases of heroic conduct by Boy Scouts are of annual record at the national offices. Nearly 500,000 Scouts participated last year in the Vocational Merit Badge Program of the movement. Almost 7,000 Scouts showed a high state of proficiency and advanced to the difficult Eagle Scout rank, the highest in Scouting.

A great Scout event during the year was the World Scout Jamboree in England, attended by some 60,000 boys from all parts of the world. In it 1,300 American boys, the largest contingent of young boys ever to cross the Atlantic to participate in any activity as one group, made one of the largest national sections. The Jamboree was definitely the world's greatest gather-

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ing of boys. It is impossible to prophesy all of the good that may grow out of it.

FRANK N. ROBINSON.
Director of Publicity.

New York City.

The Centralia Prisoners

SIR: I enclose, herewith, a correspondence which explains itself.

UPTON SINCLAIR.

Pasadena, Calif.

[Enclosure]

Kate Crane-Gartz
The Cloister
Altadena, California

Dear Madam:

Your letter of October 8, in regard to the Centralia prisoners in Walla Walla, is received.

You have a wrong impression of the situation. These men were regularly tried in the Superior Court and were found guilty by a jury of twelve of their peers. The case was carried to the Supreme Court of the state, where the action of the lower court was confirmed, and the men were sentenced to the state penitentiary. Requests by them for release should be from this angle of the situation, rather than by spreading untruthful propaganda, condemning the government, public officials and courts, and demanding unconditional pardons. No one, who is without prejudice and familiar with the facts in the case, will contend that these men did not receive a fair trial. The actual trial consumed about eight or ten weeks. There were 248 witnesses called, 132 for the state and 116 for the defense. It was admitted by all of the defendants that they were armed and that twenty-five to one hundred shots were fired by them.

Appealing to class and group prejudices, spreading propaganda, getting petitions signed, and the like, have no just bearing in such affairs. These men always have opportunity for appeal to the Executive or Parole Board direct, without cost. Justice is neither bought, sold nor coerced in the office of the Governor. We endeavor to give all fearless, plain, just, square and honest service. Tearing down the government under which they expect to live, if released, does not improve the situation. The man who cannot support the flag and institutions of the government under which he lives should move where he can. The quicker these men at Walla Walla cut loose from the agitators and propagandists, the brighter their future.

Very truly yours,

ROLAND H. HARTLEY
Governor of Washington.

Olympia, Wash.

Governor R. H. Hartley
Olympia, Washington

Dear Sir:

I have your letter of October 15, in which you tell me about the Centralia prisoners, and find myself greatly puzzled by its contents. You tell me, a stranger to your state, that, "No one, who is without prejudice and familiar with the facts in the case, will contend that these men did not receive a fair trial." But this conflicts directly with information which I have at hand, and which appears to be authentic, and therefore, I have to ask you to explain this sentence to me. Is it not true, that seven of the jurors have reversed their verdict and taken solemn oath that their verdict was the result of an hysterical and terroristic atmosphere and intimidation? Is it not true that these seven jurors have each written you a personal letter urging the release of these men, and have they not presented to you a written petition to that effect? Have not five of them called upon you in person to present this petition? I have before me a certified copy of this petition, and I have the names and addresses of the seven jurors. Naturally, therefore, I am at a loss to know what to make of your statement to me. Can you deny that these seven jurors are persons "without prejudice and familiar with the facts in the case?" If you deny them these qualities, then what becomes of their competence as jurors, and how can it be that you rely upon their verdict earlier in your letter? You tell me "These men were regularly tried in the Superior Court and were found guilty by a jury of twelve of their peers." So it would appear that you rely upon the verdict of these jurors in the Superior Court, but you refuse to recognize the later statement of these jurors to the effect that the verdict was obtained by intimidation. This seems to me so outside of all logic and reason that I am compelled to ask you to do me the courtesy to explain what is in your mind.

Again you say, "It was admitted by all of the defendants that they were armed and that twenty-five to one hundred shots were fired by them." Of course, the defendants were armed, and, of course, they had a right to be armed. They were in their own meeting place, and upon their own property, and our constitution provides, "the right of the people to keep and bear arms shall not be infringed." The lives of these men had been threatened by a lawless mob, and the destruction of their meeting place had been foretold. They had applied to the legal authorities for protection, and protection had been refused. Naturally, therefore, they prepared to protect themselves, and they did not fire until the door of their meeting place had been broken down by the mob. Will you tell me that you, an American citizen, would not defend your home or your place of business under similar circumstances? Of course you would, and how can you possibly justify the effort to deny the same right to common working men?

You advise these men to cut loose from "agitators and propagandists." I have to ask you to explain this also, for how can they cut loose from "agitators and propagandists" when anybody who takes up their cause and pleads for them, immediately becomes, in the eyes of the authorities, an "agitator and propagandist"? Justice for these men is the demand of lovers of justice throughout the whole civilized world. I am told that this includes two thousand citizens of Centralia, the town where the tragedy took place. Is this not true? And if it is true, then once more I have to ask you to explain to me that extraordinary sentence in your letter, "No one, who is without prejudice and familiar with the facts in the case, will contend that these men did not receive a fair trial."

I have put to you here what I believe are honest questions. I am sure that I will not be alone in awaiting a reply. Many others will read your letter and await your explanation.

Sincerely,

MRS. KATE CRANE-GARTZ.

Pasadena, Calif.

How to Improve the Employment Agencies

SIR: In reply to my article "Help Not Wanted," in your issue of December 18, Miss Gertrude Stein observes that we must regard employment work not as a business but as a profession—and so "raise standards."

Such Babbitry arrives nowhere! What if employment agencies all get together under a banner of Service, copyright a trick name, and call their job a "profession?" Barbering, burying, and selling corner lots have all gone through such a stage. Result: injury added to insult, as the ultimate consumer pays for the new false front of sanctimoniousness. *Plus ça change, plus c'est même chose!*

I hinted—but only hinted—at a far more basic form: Divorce the profit-making motive from such agencies entirely. But that, of course, is Bolshevistic.

SAMUEL MIDDLEBROOK.

New York City.

If Vare Had Been Seated

SIR: In the December 18 issue you ask, "If Vare was not to retain his seat in any case, what end would have been served, in law or fact, by making him a Senator for half an hour?" The answer is clear enough. The Senate would have been forced to immediate action, and Pennsylvania would not have had to forego half its constitutionally guaranteed representation while the solons indulged in a year of argument and buck passing. A more proper question would seem to be, "How can a law passed by a Senate in which one state has been denied its proper representation be considered constitutional?"

HERBERT G. ROHLFS.

Elkins Park, Pa.

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The Sex Boys in a Balloon

Our Changing Human Nature, by Samuel D. Schmalhausen. New York: The Macaulay Company. 510 pages. $3.50.

The Riddle of Sex, by Joseph Tenenbaum. New York: The Macaulay Company. 362 pages. $3.50.

Critique of Love, by Frisz Wittels. New York: The Macaulay Company. 317 pages. $3.50.

IN this day of competition between whole industries, when the lumber manufacturers of the country coöperate against the manufacturers of portland cement and building tile, who in turn are organized for the defense of their special interests, and when the National Confectioners' Association engages in open warfare with the American Tobacco Company, it is not strange that the writers of sex books should have formed what might almost be called a national chamber of commerce. As individuals, they differ among themselves on specific questions: they follow Adler or Freud or Watson (or endeavor to follow all three of them at once); they assign more or less importance to the Œdipus complex; but they emphatically agree on at least two subjects—the importance of sex and the high value of the books they write about it. They are known, in literary circles, as the Sex Boys.

Samuel D. Schmalhausen, one of their leaders, is the author of "Why We Misbehave" and a coeditor of "Sex in Civilization." "Our Changing Human Nature" is his latest contribution to what he calls "the new sexology." Fritz Wittels offers his "Critique of Love" as the first volume of a series in which he proposes to apply Freudian methods to the problems of criminology, pedagogy, politics, business, and sexual relations. Joseph Tenenbaum is a successful urologist with aspirations toward philosophy and letters. Of the books he has written in several languages, "The Riddle of Sex" is the first, I think, to be published in English. Nothing by V. F. Calverton, the other editor of "Sex in Civilization," has appeared this winter, but "Our Changing Human Nature" is dedicated to him, and Wittels thanks him "for editorial suggestion and advice." Tenenbaum also is indebted to Calverton for "helpful advice and constructive criticism." He quotes Schmalhausen in his footnotes, expressing admiration for "his trenchant and succinct way of calling things by their proper names." Schmalhausen in turn has flattering words for Tenenbaum and Wittels, but especially for Calverton, of whom he speaks in terms that are usually reserved for Aristotle and Moses. Under the pseudonym of S. Daniel House, he writes book reviews in which he sings the praises of his colleagues, if not of himself. Moreover, the publisher of all four writers agrees with their high estimate of one another, and announces that their work "is helping to create a new life for humanity."

But how are they creating this new life? What is the doctrine or message of the confederated sexologists? . . . Wittels is a faithful disciple of Freud, and his book is a serviceable primer of Freudian psychology. Tenenbaum describes the physiology of love with clinical enthusiasm. Schmalhausen writes verbosely about almost everything—civilization, ethics, H. L. Mencken, the fall of woman—but he tries in each case to reduce his subjects to a common basis in sex. Essentially the message of all these writers is the same, and it is essentially simple. Just as the message of the lumber manufacturers is that wood is the best of building materials; just as the National Confectioners' Association exists to inform the public that sugar should be consumed in larger quantities, so the new sexologists announce that sex is the most important of all human activities:

> It has enriched life [says Tenenbaum] with the beautiful and magnificent canvas of budding love. It has given shape and contour to the body and impetus to the soul. . . . It has put strength and horror in the roar of the lion and infinite sweetness in the prattle of the baby. It has imprinted furrows on the brow of the sage laden with mighty thoughts, and sown seeds in the furrow of the earth made pregnant with man's toil and sweat. . . . In the beginning there was Love; the eternal love impulse seeking ever new forms of incarnation. And in the End there will be Love; the serene, the immaculate, the sinless, the spotless Love; Matter and Spirit blended together in seraphic harmony.

Not only is love—or sex, for the two words are used interchangeably—the prime mover of creation in general; it also controls the direction of our individual lives. Thus, painters and sculptors, according to Wittels, are merely sublimated peepers. Writing, on the other hand, is a form of exhibitionism. Smoking emphasizes the "oral erogenous zone," and is closely related to certain forms of perversion. Philanthropy, by Wittels, and morality in general, by Schmalhausen, are explained as forms of sadism. Cleanliness and filth are two related manifestations of anal eroticism. And the list continues through almost every phase of human character and activity.

Now, when physical love is treated in this metaphysical manner, it becomes something more than a subject for scientific or sentimental speculation: it becomes a new religion, an erotic pantheism, of which Schmalhausen, Tenenbaum, Calverton and Wittels are four of the high priests. They assert that "the greatest discovery of the ages" is what? It is "the realization that woman wants sex love as men want it, desperately." Schmalhausen asks whether the new psychology—in other words, sexual psychology—is not taking the place of religion, and he does not answer the question in the negative. Wittels emphasizes the curative value of the new faith. And Tenenbaum, unconsciously borrowing a Mohammedan precept, exclaims like an angry dervish, "Keep your boots out of the temple of love!"

Meanwhile the new religion of sex, like Christianity in the early centuries, is meeting with vigorous opposition. "I wonder," says Schmalhausen, "whether we are sufficiently aware of the conspiracy of forces in the contemporary overly civilized (and underly humanized) world against the sustained mood of love's significance." That such a conspiracy exists may well be questioned; but it is certain in any case that heretics abound. Schmalhausen, whose blasts against them are almost worthy of Athanasius, divides them into two general classes, the Puritans and the Impuritans. "The Puritan," he says, "reduces sex experience to insignificance by degrading its status to the level of sinful animal indulgence. The Impuritan reduces sex experience to insignificance by elevating its status to the level of sinless animal indulgence." He regards the second of these types as rather more dangerous. Having observed that women are tending to become promiscuous; that "the female of the species now aspires to be the shemale of the race," he questions whether casualness in the love life can create "profound sexual or human values." He is afraid that "love, sexual love, may become informal and friendly and all too human," and he endeavors to correct this dangerous situation.

Such is the metaphysic of the new sexologists. As for

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the code of ethics they proclaim in their effort to create a new life for humanity, it is neither very revolutionary nor very original. They believe that men should lead a moderate sexual life. They believe that women should be comrades; that they should marry and bear children; that they should be faithful to their husbands—at least reasonably so. They advocate what Schmalhausen calls "normality in sex"; and in fact they sometimes carry the normal, the obvious and the commonplace to a pinnacle of absurdity. "We know by the experience of later years," says Wittels with a pontifical air, "that eating not only preserves life, but gives considerable pleasure." Tenenbaum asserts that "the human being is a complicated machine"; but at times this mechanistic attitude is not unmixed with sentiment, as when he proclaims that "one Lone Eagle born and raised will outweigh countless millions of human flies," or says with an almost audible catch in his voice that "the modern bride, despite her smoking and dancing habits, despite her jazz and paint, has her dreams, too."

Often this sublime obviousness is combined with a vastly inflated style. The Sex Boys, in their balloon of rhetoric, go soaring far above the physical realities of their subject. Thus, conception is described by Tenenbaum in terms of a meeting between "the lonely ovule" and her "Prince Charming." "A woman," he says, "becomes pregnant. She enters the holy communion of Creation. She is God's Gardener." Seven pages beyond this point, "the now useless placenta is expelled . . . the navel shrivels and dries up, but mother's heart is never dry." He pauses to consider the happy future. "The day will come and Adam will triumphantly reënter Paradise lost, chastened, experienced and knowing; a Man worthy of the gods and a God among men. For Adam knew love." But Schmalhausen, describing the present status of omnipotent and omnipresent sex, paints it in no such happy colors:

> Males and females, [he exclaims] old and young, married and unmarried and unmarriageable, honorable and quasi-honorable and dishonorable, have all become mixed up, with a guilty innocence, in an aboriginal protoplasmic mess of desire, as in the darkest dawn of life when the first sperm looked with incest-laden eyes upon the first shameless ovum.

MALCOLM COWLEY.

Poet or Prophet?

Dear Judas, by Robinson Jeffers. New York: Horace Liveright. 129 pages. $2.50.

ONCE mysticism takes full possession of him, you are likely to have a spoiled artist on your hands. Not that the mystic experience is without value—it expands and clears the vision, exalts the sense; but the value is also the danger. Where everything is seen as one, it is difficult for anything to be either omitted or created. Your mystic artist sees himself as one with Nature, and that is very good for his vision of Nature; he sees himself as one with God, and that is just too bad for his vision of man.

Such considerations are applicable to the work of Robinson Jeffers, whose latest book, "Dear Judas," is undoubtedly the most spectacular event of the poetic year. "Mystic" has been written of Mr. Jeffers, by his admiring friends, as a term of high praise, without careful inquiry into its critical value. This is, of course, natural, for the strength of Mr. Jeffers hits you between the eyes. No one can deny his tremendous power, his unique manner, the compulsive force of his narratives, his accurate, sensuous, poetic vision of the lonely acres about his home. His weaknesses come from the same source as his strength, and they are almost equally formidable—a laxity of language; a proclivity for talking symbol, not sense; a scant artistic ruthlessness, particularly in knowing what to leave out; a romanticism gone somewhat rank; an inability to project character, or too loose an ability to project himself.

Two long poems make up most of this new book. One, writes the author, "is a species of passion play, called 'Dear Judas.' It seems to me to present, in a somewhat new dramatic form, new and probable explanations of the mystical characters and acts of its protagonists." Such a play as might be staged in semi-darkness, one imagines, with the face of Lazarus blue against emptiness; and the trouble is that it seems to be felt in semi-darkness, too. Blacking out background, Mr. Jeffers denies himself the use of that skill which is his chief excellence, and neither ideas nor characters fully emerge from the pall that hangs over Jerusalem.

A scrap or two of random evidence indicate that the author cares less for "Dear Judas" than for "The Loving Shepherdess." The second poem is indeed more readable than the first, more impressive, more pathetic, more substantial; there is an extraordinary vividness about the scene in which the action occurs. In the light from that landscape, so pervading detail with reality, only steady scrutiny discovers what the running glance is likely never to see—that the characters who come and go are not real at all, are probably not meant to be. Like most of his kind, Mr. Jeffers loves Nature more than he loves humanity; people he can suffer only as creations of his own, projections of himself; or he sets symbols stalking in human guise. Impose such persons on very Californian hills, and unity is violated. But Mr. Jeffers is no respecter of unities. Even in seeing Nature, he looks at a thing the Greek way, and the next minute, without shifting his gaze, the Celtic way also. His sense of unity is so peculiar to himself and so rich that it beggars the classical conventions.

The loving shepherdess, Clare Walker, is a sort of female Jesus, "a saint . . . going up to a natural martyrdom, aureoled with such embellishments as the mind of the time permits." She is sweeter than Tamar, California, Fera, the women at Point Sur, but she is really very much like them. They are all doom-bent, mad in Scorpio; all of them have something wrong with their secrets. They are martyrs not only to the compulsion of their own nature, but also to the need of their creator's philosophy; they seem designed, like caryatids, to support its burden. This philosophy, implicit always in the longer narratives, is explicit and recurrent in the lyrics:

> "Mourning the broken balance, the hopeless prostration of the earth
> Under men's hands and their minds,
> The beautiful places killed like rabbits to make a city,
> The spreading fungus, the slime-threads
> And spores; my own coast's obscene future: I remember the farther
> Future, and the last man dying
> Without succession under the confident eyes of the stars.
> It was only a moment's accident,
> The race that plagued us; the world resumes the old lonely immortal
> Splendor; from here I can even
> Perceive that that snuffed candle had something . . . a fantastic virtue,
> A faint and unshapely pathos. . . .

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So death will flatter them at last; what, even the bald
ape's by-shot
Was moderately admirable?"

This vision of the world is not poetic but prophetic, and we are easily excited by the prophets. "The poet does not aim to excite," writes Mr. T. S. Eliot "—that is not even a test of his success—but to set something down." One poem like "Tamar," and you may believe that Mr. Jeffers has set down something prodigious: two, three such poems, five, seven—the emotional mechanism is betrayed by its own fluency; he has set down only himself. Prophets are like that, a whole show in themselves; they do not have to be—and never are—good dramatists. No great dramatic writer can let himself run in the prophet's groove; nor can he lack the leaven of humor, the salt of wit. A lyric writer may; as lyrist, Mr. Jeffers has often excellently fulfilled the poet's aim.

The lyric poems have never, in fact, received their due attention; unfortunately, they have been introduced in scattered fashion and at a point when the reader's emotional faculties, exhausted by the longer narratives, have been unable to focus on them. Perhaps no serious obscurity or backwardness in understanding the poet has arisen from these difficulties; nevertheless, a regrouping suggests very illuminating possibilities—suppose, for example, that all the California stories were bound in a volume, or that we might have his collected lyrics. "Flagons and Apples" (1912), and "Californians" (1916) are worth reading in any attempt to comprehend the poet's work as a whole; the obvious deduction is that he has grown more in stature than any poet of our day, perhaps than any poet ever. This conclusion is almost incredible, and an alternative presents itself, less obvious, less welcome, but certainly rather arresting. Is it possible that the bad poet of 1916 became, after a decade's silence, not a good poet at all, but simply a bad prose writer with a good trick? Let us examine a specimen or two, from "The Loving Shepherdess," chosen at random and without malice, and set them down as prose:

> "I'll leave you alone if you like, you promise to stay by the fire and sleep." O, I couldn't, truly. My mind's throwing all its wrecks on the shore and I can't sleep. That was a shipwreck that drove us wandering. I remember all things. Your name's Onorio Vasquez: I wish you'd been my brother." He smiled and touched her cold hand. "For then," she said, "we could talk old troubles asleep: I hadn't thought, thought for a long while, tonight I can't stop my thought. But we all must die?" "Spread out your hands to the fire, warm yourself, Clare." "No, no," she answered, her teeth chattering, "I'm hot."
>
> The sky had blackened, and the wind raised a dust when they came up the road from the closed quiet of the wood, the sun was up behind the hill but not down yet. Clare passed the lichen-plated abandoned cabin that Vasquez had wished her to use, because there was not a blade of pasture about it, nothing but the shafted jealousy and foodless possession of the great redwoods. She saw the gray bed of the little Sur like a dry bone through its winter willows, and on the left, in the sudden sea-opening V of the canyon, the sun streaming through a cloud, the lank striped ocean, and an arched film of sand blown from a dune at the stream's foot. The road ahead went over a bridge and up the bare hill in lightning zigzags; a small black bead came down the lightning flashing at the turns in the strained light, a motor car driven fast. Clare urged her flock into the ditch by the road, but the car turned this side the bridge and glided down a steep driveway.

Is it pertinent to ask whether the reader can restore these lines to their original form, whether he can distinguish in them the original rhythm as it beat in Mr. Jeffers' mind? He may be somewhat baffled and amazed if he tries, and then looks up the answers (pp. 90, 72); he must, in honesty, ask himself the basis of this division of lines, whether the measure goes with sense or breath, and how it has transmuted such writing—if it has—to precious stuff.

Perhaps we do not see the forest for the trees. Or is it possible that what we see is not really a forest at all, but just Birnam Wood coming along to Dunsinane? That would be, *pro tempore,* a more startling phenomenon, although of less perennial importance.

ROLFE HUMPHRIES.

Lincoln and Davis

Jefferson Davis: His Rise and Fall, by Allen Tate. New York: Minton, Balch and Company 311 pages. $3.50.

Abraham Lincoln: The Politician and the Man, by Raymond Holden. New York: Minton, Balch and Company. 309 pages. $3.50.

HISTORY has fairly decided that it was Lincoln's capacity for growth which made him, under the stress of the Civil War, so infinitely grander and more commanding than Jefferson Davis. Placed at the head of the Confederacy, President Davis remained the same man as Senator Davis: ablest of Southern parliamentarians, Calhoun's best successor, a good departmental executive, suave, capable, limited. Placed in the White House, Lincoln did not remain merely the shrewd, rugged lawyer who had debated with Douglas and delivered the Cooper Union address; he rose to a transcendent new stature. The gaunt Illinoisan had unplumbed reservoirs of intellectual and moral strength, the gaunt Mississippian had not. In the most fateful gamble of American history, the North found its untried leader a miracle, and the South its well tested leader a disappointment.

No biographies of the two men can fail to bring out this all-important contrast, and it is entirely clear in these two books. Mr. Tate had the easier and less hackneyed subject. He has had the discretion not to seek in Davis qualities which were palpably not there, and to follow the path marked out by the best previous students. These students are William E. Dodd, whose study of Davis's ideas in succession to those of Jefferson and Calhoun is especially valuable, W. L. Fleming, who has placed Davis against his planter-class environment, and H. J. Eckenrode, who has made an incisive analysis of Davis's failure as a civil organizer and war lord. Mr. Tate's book is a generally well wrought combination of these materials, fused with the assistance of not a little reflection and research of his own. He does not make Davis a winning figure, for no one, not even Mrs. Davis in her two adoring volumes, could do that. He does not make him a powerful figure, for he shows how his lack of vision at the beginning of the war and inability to coördinate Eastern and Western operations cost the South the chance of independence it possessed.

What his interesting narrative does is to make Davis a pathetic figure, and to show his precise role in that drama of ill-luck, ill-management and inherent weakness which made the Confederacy a lost cause. In a necessarily crowded book, the Civil War receives most of the space. Not enough attention is given to the dozen years, 1848-

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1860; the years in which Davis became the accepted spokesman for the South, and the leader of that great wing of the Democracy which refused to follow Douglas. To these years belong what intellectual growth he did achieve. His power as a debater, his dexterity in helping control Pierce and Buchanan, won the South's trust. We can now see that there were possible combinations of forces and men which would have won the Southern revolt, but Davis failed to make them. Mr. Tate deals with armies, cotton, foreign aid, conscription, state rights, the choice between Gettysburg and Vicksburg, the deplorable Bragg business and all the rest, in a signally clear if sometimes sketchy way. He handles well the background of class and economic and political ideas. It is a somewhat ill-proportioned book, with decided gaps, but a book both useful and stimulating, which fills a place all its own.

Mr. Holden has essayed an almost impossible task. His emphasis is on Lincoln's early life, as Mr. Tate's is on Davis's later career. There are passages of shrewd insight and vivid phrasing. But as a whole the book fails; fails not because of lack of care with the material, but partly because of an unhappy attempt to read Lincoln's psychology for us, and partly because the really good short book on Lincoln requires greater expertness and a greater literary gift. One token of the failure is the unexplained gap which we find here between the able provincial politician of the early chapters, and the supremely great national statesman who emerges in the last chapter. It was a transformation which no one can ever fully explain, but which can at least be made comprehensible.

ALLAN NEVINS.

Salesmanship Revamped

The Saleslady, by Frances R. Donovan. Chicago: University of Chicago Press. 267 pages. $3.

FROM the sheltered precincts of the public high school in Chicago where she was consulted each year by her girl students about ways to earn their living, Frances Donovan set out to see, not "how the other half lives," but how the other half works. Her quest took her to that Mecca of business, New York, whither all modern roads lead.

Nearly every high school girl, Mrs. Donovan found, had leanings—oftentimes romantic—toward stenography. Of those to whom the movies meant the sun, moon and all the lesser stars she does not speak. A job and not a career was the need. As an alternative to stenography, there might be salesmanship. Neither books nor past experience could be drawn on for any real help in solving the problems. And so Mrs. Donovan took advantage of the long summer vacation to enter the employ of a large department store which, one gathers, was Macy's—that training field for grammar school and college graduates alike.

Through the running story of her adventures as a saleswoman, one catches glimpses into the lives of the other "girls" and of the men and women to whom sales were made. The volume is not only an enlivened handbook on the detailed routine of a department store, but a source from which one might cull material for an etiquette book for customers.

Some of the theories held in the mauve decade regarding a shop-girl's existence are de-sentimentalized. No longer does one find reports of ways in which an overbearing store manager advised the girls to eke out the less than meager salary offered. Perhaps it is because nowadays girls do no need suggestions, even from store managers. Perhaps it is because salaries do represent a living wage. Certainly, Mrs. Donovan does not convince the reader that, except in the higher regions where buyers flourish, selling ranks higher than stenography so far as salaries are concerned.

That the work in a department store may be enthralling as well as arduous, there is left no doubt. Amazingly enough, it is not the easy-going, quiet day which the salesgirls most welcome. In the mad rush of bargain-hunting customers, the ever-present foot trouble is forgotten and the maddening monotony of standing idle is lost sight of.

The department store today, as Mrs. Donovan finds it, is a scientifically run business, with psychological examinations and intelligence tests for applicants, with training schools for beginners and with fully organized recreational activities for all employees. That several opportunities, perhaps hitherto unsuspected, of a selling career are here made manifest, is a tribute not only to Mrs. Donovan's alert mind, but to her enthusiastic style of writing.

CONSTANCE NAAR.

The Twilight of Pensieri-Vani

Gardens of This World, by Henry B. Fuller. New York: Alfred A. Knopf. $2.50.

FORTY years ago Henry B. Fuller created, in "The Chevalier of Pensieri-Vani," an *alter ego* with whom he could escape from Chicago's noisy ambitions and raw industrial growths to Italy, the land of his enchantment and delight. With the young Chevalier and his companions —the Seigneur of Hors-Concours, the Prorege of Arcopia, Tempo Rubato, and the others—he wandered with luxurious ease and self-indulgence through the villa gardens and rich galleries he had discovered on his own youthful journeys abroad, pondered on the glories of Florence or Rome from neighboring heights, or improvised at will on the organ in Orvieto's cathedral, always a connoisseur among the treasures of art and friendship which the European scenes displayed on every hand. That first book and its successor, "The Chatelaine of La Trinité," were written in a prose of graceful and sensitive refinement, combining a fresh enthusiasm with some suggestions of Sterne's casual satiric dexterity and a dry, almost Voltairean precision in marking the follies of men. Neither his realistic novels of American life nor his personal loyalty to his native city diverted Fuller from his love for Southern Europe or from his affection for the delicate stories of his first flight. Some years later he returned to his early manner in "The Last Refuge," a kind of satirical narrative with which we have grown familiar in our own day, in the books of Norman Douglas, Huxley, Firbank, Ronald Fraser and the Thornton Wilder of "The Cabala," and in the end he returned to it again. His life was destined to include a late harvest and the first of the two books to appear posthumously shows us the Chevalier in old age. Old friends are dead or fast disappearing and the conditions of Continental life have weathered many storms when he sets forth from Paris with Hors-Concours to recapture the beauty of those gardens and cities which enchanted his youthful days. A shy melancholy pervades the lovely scenes: Arles and the Midi, dusky Montserrat, the swarming Mediterranean, Rhodes and Athens, Italy and the Alps. The altered world has little inclination to humor two wistful old gentlemen searching for lost time. Young George Occident

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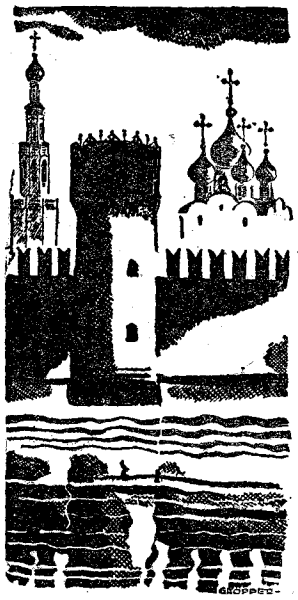

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with his plane scorns the snail's pace which a leisurely tour of the world's gardens requires, and the ominous American millionaire, I. Haviland DeMunn, prowls abroad like an evil presence with but one fixed purpose—to buy and transport to the United States whatever he can lay hands on, whether the bronze Victory of Brescia or the amphitheater of El-Djem. "This world is not a garden, yet there are gardens in it"; it was Fuller's last hope that their fair asylum might be protected for those retiring souls like himself who found too little beauty in the harsh and reckless chances of a changing age.

The essential Fuller is present in this book, the discriminating student of men and art, the reluctant observer who never risked close encounter with the conflicts he studied, and so never quite achieved full stature as a novelist of American life. His social studies, like these exquisite books of travel and diversion, are dominated by an untiring fastidiousness which never allows the full-bodied phrase or the willful movements of true creative freedom to escape. His chaste elegant glances at European scenes are cursory and decorous, yet even where they suggest a clever rephrasing of Baedeker rather than the first-hand view, they provide memorable pictures and vignettes. Here is a discreet, too closely studied art, it is true, but here also on every page is the mark of a serene intelligence which was left unbaffled by the ordeal of American experience and which carried safely to the end its trust in the sanctity of a beauty no folly or nations may endanger and no blatant vanity of man ever wholly destroy. MORTON DAUWEN ZABEL.

Notes on Novels

Brothers and Sisters, by I. Compton-Burnett. New York: Harcourt, Brace and Company. $2.50.

THE FIRST THING that the reader will observe about Miss Compton-Burnett's "Brothers and Sisters" is that the dialogue is extraordinarily good. He will not change this opinion throughout the book except, as he becomes more and more pleased, to wonder if it is not the wittiest conversation of all the novelists he has read. After the first twenty minutes, by which time he begins to smile to himself over the replies that Sophia's children—all past twenty—make to her, he will settle down to amused and appreciative reading of the *talking* of the characters.

> "Our mother is in her prime. I can hardly tell you how utterly she is in it," said Robin, the youngest of Sophia's children, talking with Caroline and Gilbert, newcomers to the village.
>
> "We live for ourselves," said Dinah, the sister of Robin, "and our parents live for others; no, for us. We bear that burden."

And when it is disclosed, later, that Caroline and Gilbert are aunt and uncle, respectively, to Andrew and Dinah and Robin, and, therefore, there can be no marrying between them, these young people talk about it—as always—with wise humor:

> "We shall be able to talk in a natural way in a moment," said Caroline.
>
> "Let us achieve it at once," said Andrew. "Let us put it all in words, and save ourselves a future of things that are never said. The future is enough for us without that. . . ."

Of course, the talk is not *natural,* though it seems the most natural in the world. That other great contemporary writer of conversation, Ernest Hemingway, puts into the

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mouths of his characters the sort of talk that we might any day hear. But Miss Compton-Burnett's conversation could not possibly occur, in such abundance, in real life. Of course, there is a story along with the talking—a melodrama, in fact. The title, "Brothers and Sisters," becomes more and more meaningful as one reads on, with the discovery of various embarrassing relationships proved by old photographs and by letters found in locked drawers. But nothing seems improbable, and least of all, the delightful and extraordinary conversation, the qualities of which no quotation can make sufficiently evident. Given favorable conditions, a novel such as this might conceivably, like a modern "Euphues," mold social talk for a decade. O. J.

Black Roses, by Francis Brett Young. New York: Harper and Brothers. $2.50.

A MINOR British painter ruminating on the boat-deck of a liner that touches at a port where he spent his youth would inspire an Edith Wharton or a Henry James to work backward and unravel that artistic career. Brett Young, in whose forthright narratives like "My Brother Jonathan" and "Portrait of Clare" such a technique has hitherto been unobserved, uses this system in "Black Roses." It is the tale of the son of an English expatriate and a Pogerolan peasant woman who emerges from unsympathetic provincial surroundings to pursue his bent in Naples. At first, half-starved, painting cheap blood-red skies on Vesuvian landscapes for souvenir-hunters, then, more profitably, illuminating parchment for box-tops until the supply of material runs out and he accepts (after downing Nordic scruples) what the red-haired Venetian girl who serves him his meals had stolen, Paul Ritchie nurses his ascetic singleness of purpose on a gloomy Caravaggian air. Because he is different, she falls in love with him, a passion ultimately reciprocated. Under the shadow of a cruel brute and the DeMille-like spectacle of Neapolitan cholera, their infatuation grows, as an effective crescendo to the last half of a very fine novel. J. W. L.

Contributors

H. N. BRAILSFORD, the eminent English journalist and specialist in foreign affairs, is the author of "Shelley, Godwin and Their Circle," "Olives of Endless Age," and other books.

ROBERT PENN WARREN is the author of "John Brown, the Making of a Martyr."

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CARLETON DREWRY is associate editor of The Lyric and a frequent contributor of verse to various periodicals.

S. CHESTERFIELD OPPENHEIM is assistant professor of Law at the George Washington University Law School.

WADE VAN DORE is a young American poet. His first book of verse, "Far Lake," is to be published this spring.

BRENT DOW ALLINSON, a former editor of The Harvard Monthly, is now teaching at the University of Chicago.

MALCOLM COWLEY, critic, translator and poet, is the author of "Blue Juniata." He has recently joined the editorial staff of The New Republic.

ROLFE HUMPHRIES is the author of a book of poems, "Europa."

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MORTON DAUWEN ZABEL is a professor of English Literature at Loyola University and associate editor of Poetry: A Magazine of Verse.

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